



Brussels, 15.12.2021
C(2021) 9678 final

COMMISSION IMPLEMENTING DECISION

of 15.12.2021

on the financing of the annual action plan in favour of Ukraine for 2021

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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) 2021/947² of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument - Global Europe and amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009 and in particular Article 23(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favour of Ukraine for 2021, it is necessary to adopt an annual financing Decision, which constitutes the annual work programme, for 2021. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing Decisions.
- (2) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³.
- (3) The Commission has adopted the Multi-annual Indicative Programme for Ukraine⁴ for the period 2021 - 2027, which sets out the following priorities: (a) "a resilient, sustainable and integrated economy"; (b) "accountable institutions, the rule of law and security"; (c) "environmental and climate resilience"; (d) "a resilient digital transformation"; and (e) "a resilient, gender-equal, fair and inclusive society".
- (4) The objectives pursued by the annual action plan to be financed under the Neighbourhood geographic programme of the Neighbourhood, Development and International Cooperation Instrument are to increase mobility of Ukrainian citizens,

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 209, 14.6.2021, 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 Commission Implementing Decision C(2021)9351 of 13.12.2021.

foster media democracy, support capable service and digital state, and support the implementation of key reforms and the EU-Ukraine Association Agreement, including its Deep and Comprehensive Free Trade Area.

- (5) The action entitled ‘EU Support to development of Integrated Border Management and Migration in Ukraine (EU4IBM)’ aims at increased mobility of Ukrainian citizens and better integration of economic operators into global economic exchange flows, while a high-level of security and prevention of cross-border crime is ensured.
- (6) The action entitled ‘Media Development and Countering Disinformation Facility Ukraine (EU4Media Democracy)’ aims at fostering media democracy in Ukraine.
- (7) The action entitled ‘EU4PAR - Continued support to comprehensive reform of public administration in Ukraine’ aims at supporting Ukraine in building a modern, capable, service-oriented and digital state in Ukraine that works for the interests of citizens on the basis of European principles and experience, and is aware of its mission to serve and be accountable to citizens.
- (8) The action entitled ‘Technical Cooperation Facility 2021’ to support Ukraine in the implementation of the key reforms and commitments under the EU-Ukraine Association Agreement, including its Deep and Comprehensive Free Trade Area and EU agreements in selected priority sectors.
- (9) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (10) Pursuant to Article 26(1) of Regulation (EU) 2021/947, indirect management is to be used for the implementation of the action.
- (11) 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 the Financial Regulation.
- (12) 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 the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (13) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of the Financial Regulation.
- (14) In order to allow for flexibility in the implementation of the action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (15) The action plan provided for in this Decision is in accordance with the opinion of the Committee established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

Article 1
The action plan

The annual financing Decision, constituting the annual work programme for the implementation of the annual action plan in favour of Ukraine for 2021, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- Annex I: EU Support to development of Integrated Border Management and Migration in Ukraine (EU4IBM);
- Annex II: Media Development and Countering Disinformation Facility Ukraine (EU4Media Democracy);
- Annex III: EU4PAR - Continued support to comprehensive reform of public administration in Ukraine;
- Annex IV: Technical Cooperation Facility 2021.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2021 is set at EUR 141 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- budget line 14.020111: EUR 141 000 000.

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 4.3.1 of the Annex I, point 4.3.2 of the Annex II, point 4.3.4 of the Annex IV.

Article 4
Flexibility clause

Increases⁵ or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated reassignments of funds between actions contained in an action plan 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.

⁵ These changes can come from external assigned revenue made available after the adoption of the financing Decision.

The authorising officer responsible may apply the changes referred to in the first paragraph acting in accordance with the principles of sound financial management and proportionality.

Article 5
Grants and procurement

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex IV. Grants may be awarded to the bodies selected in accordance with point points 4.3.1 of the Annex IV.

Done at Brussels, 15.12.2021

For the Commission
Olivér VÁRHELYI
Member of the Commission