



Brussels, 31.5.2022
C(2022) 3641 final

COMMISSION IMPLEMENTING DECISION

of 31.5.2022

**on the financing of the cross-border cooperation programme Montenegro – Kosovo* for
2021-2027**

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

COMMISSION IMPLEMENTING DECISION

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on the financing of the cross-border cooperation programme Montenegro – Kosovo* for 2021-2027

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) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession Assistance (IPA III)² and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the cross-border cooperation programme Montenegro – Kosovo for 2021-2027, it is necessary to adopt a multiannual financing decision, which constitutes the multiannual work programme, for 2021-2027. Article 110 of Regulation (EU, Euratom) 2018/1046 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 action provided for in this Decision contributes to climate and biodiversity mainstreaming in line with the European Green Deal⁴ and the inter-institutional agreement.
- (4) The Commission has adopted a Pre-Accession Assistance ('IPA III') Programming Framework⁵ for the period 2021 – 2027, which identifies five thematic windows for

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¹ OJ L 193, 30.7.2018, p.1.

² OJ L 330, 20.9.2021, 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 COM(2019) 640 final

⁵ Commission Implementing Decision C(2021) 8914 of 10.12.2021

the delivery of the specific objectives and thematic priorities of Regulation (EU) 2021/1529.

- (5) The objectives pursued by the multiannual programme are to promote good neighbourly relations, foster Union integration and contribute to social, economic and territorial development of the programme cross-border area by improving employment, and social and cultural inclusion across borders; and developing sustainable tourism.
- (6) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (7) Pursuant to Article 9(1) of Regulation (EU) 2021/1529, indirect management is to be used for the implementation of the programme.
- (8) 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.

To this end, the Commission, should be able to entrust the implementation to the IPA III beneficiary or the bodies designated by it subject to the conclusion of a financing agreement in accordance with Article 158 of Regulation (EU, Euratom) 2018/1046.

- (9) 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.
- (10) 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.
- (11) The programme provided for in this Decision is in accordance with the opinion of the IPA III Committee set up by Article 17 of Regulation (EU) 2021/1529⁶.

HAS DECIDED AS FOLLOWS:

⁶ The Member States have declared, recalling the Council Conclusions of 18 February 2008, that the adoption of this programme does not prejudice the position of each individual Member State on the status of Kosovo, which will be decided in accordance with their national practice and international law.

Article 1
The action plan

The multiannual financing decision, constituting the multiannual work programme for the implementation of the cross-border cooperation programme Montenegro – Kosovo for 2021-2027, as set out in the Annex, is adopted.

The programme shall include the following action: cross-border cooperation programme Montenegro – Kosovo for 2021-2027, as set out in the Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme referred to in Article 1 is set at EUR 8 400 000 and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- budget line 15.020300: EUR 2 400 000 for year 2022;
- budget line 15.020300: EUR 3 600 000 for year 2024;
- budget line 15.020300: EUR 2 400 000 for year 2026.

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

The implementation of this Decision is subject to the availability of the appropriations provided for in the general budget of the Union for 2022, 2024 and 2026 as adopted by the budgetary authority.

Article 3
Flexibility clause

Increases⁷ or decreases of up to EUR 10 million not exceeding 20% of the contribution set in Article 2, first paragraph, considering each financial year separately, 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 and execution period shall not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046, provided that they 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.

⁷ These changes can come from external assigned revenue made available after the adoption of the financing Decision.

Article 4
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex. Grants may be awarded to the bodies referred to in the Annex.

Done at Brussels, 31.5.2022

For the Commission
Olivér VÁRHELYI
Member of the Commission