



EUROPEAN COMMISSION

Brussels, 28/11/2011
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C (2011) 8573

COMMISSION IMPLEMENTING DECISION

of 28/11/2011

**on the Annual Action Programme 2011 part II in favour of Ukraine to be financed
under Article 19 08 01 03 of 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 (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI)¹, and in particular Article 12 thereof,

Whereas:

- (1) The Commission has adopted the ENPI Strategy Paper 2007-2013² for Ukraine and the Multiannual National Indicative Programme for the period 2011-2013³, point 4 of which provides for the following priorities: good governance and the rule of law; facilitating the entry into force of the EU-Ukraine Association Agreement (including the establishment of a Deep and Comprehensive Free Trade Area); and sustainable development.
- (2) The objectives pursued by the Annual Action Programme, as set out in the attached annexes, are to strengthen the capacity of Ukrainian authorities and other stakeholders to develop and implement effective regional development policies; to allow a harmonised and effective delivery of international financial support to support energy efficiency and environmental projects; and to support public administration reform with a view to rendering government more accountable, effective and efficient, and thus allow for a improved sector policy planning and implementation, which will enhance Ukraine's capacity to successfully implement the substantive reform agenda linked to the association process, including the Association Agreement and Deep and Comprehensive Free Trade Area.
- (3) The present Decision constitutes a Financing Decision within the meaning of Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget⁴ (hereafter 'the Financial Regulation') and Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget⁵ (hereafter 'the Implementing Rules').

¹ OJEU L 310, 9.11.2006, p. 1

² C(2007)672

³ C(2010)1144

⁴ OJ L 248 of 16.09.2002, p. 1.

⁵ OJ L 357 of 31.12.2002, p.1.

- (4) The maximum contribution of the European Union set by the present Decision should cover any possible claims for interest due for late payment on the basis of Articles 83 of the Financial Regulation and 106(5) of its Implementing Rules.
- (5) The Commission is required to define the term “substantial change” in the meaning of Article 90(4) of the Implementing Rules to ensure that any substantial change in this Decision shall follow the same procedure as the initial Decision.
- (6) The measures provided for in this Decision are in accordance with the opinion of the ENPI Committee set up under Article 26 of Regulation (EC) No 1638/2006,

HAS DECIDED AS FOLLOWS:

Article 1

The Annual Action Programme 2011 part 2 in favour of Ukraine, constituted by the actions "Support to Ukraine's Regional Development Policy", "Second EU Contribution to the Eastern Europe Energy Efficiency and Environment Partnership Fund" and "Reform of the Administrative Legal Framework and Civil Service in Ukraine", the text of which is set out in the attached annexes, is approved.

Article 2

The maximum contribution of the European Union to the Annual Action Programme is set at EUR 105 million to be financed from budget line 19 08 01 03 of the general budget of the European Union for 2011.

This maximum contribution shall also cover any possible interests due for late payment.

Article 3

Cumulated changes of the allocations to the specific actions not exceeding 20% of the maximum contribution of the European Union shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the Annual Action Programme. This may include an increase of the maximum contribution of the European Union up to 20%.

The relevant authorising officer may amend the present Decision to introduce non substantial changes to the Annual Action Programme in accordance with the principles of sound financial management.

Done at Brussels, 28/11/2011

For the Commission
Štefan Füle
Member of the Commission

ANNEXES

Annex 1: Action Fiche - Support to Ukraine's Regional Development Policy

Annex 2: Action Fiche - Second EU Contribution to the Eastern Europe Energy Efficiency and Environment Partnership Fund

Annex 3: Action Fiche - Reform of the Administrative Legal Framework and Civil Service in Ukraine