



Brussels, 20.11.2013
C(2013) 8059 final

COMMISSION IMPLEMENTING DECISION

of 20.11.2013

**on the Annual Action Programme 2013 in favour of Ukraine 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 (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,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002² (hereinafter referred to as 'the Financial Regulation'), and in particular Article 84(2) thereof,

Whereas:

- (1) The Commission has adopted the ENPI Strategy Paper 2007-2013³ for Ukraine and the Multiannual National Indicative Programme for the period 2011-2013⁴, point 4 of which provides for the following priorities: good governance and the rule of law; facilitation of the entry into force of the EU-Ukraine Association Agreement (which includes the Agreement establishing a Deep and Comprehensive Free Trade Area); and sustainable development.
- (2) The objectives pursued by the Annual Action Programme are: 1) to support the social, economic and territorial cohesion of Ukraine; 2) to give further support to the implementation of the National Environmental Policy, in line with EU standards, norms and agreed priorities under the EU-Ukraine Association Agreement 3) to promote sustainable and inclusive growth and to contribute to economic reforms and the gradual integration of Ukraine's economy into the European Union's Internal Market; 4) to effectively raise Ukrainian institutions' capacities in the preparation and implementation of the EU-Ukraine Association Agreement.
- (3) This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (hereinafter referred to as 'the Rules of Application').
- (4) The Commission may entrust budget-implementation tasks under joint management (indirect management with an international organisation) to the entities identified in this Decision, subject to the conclusion of a contribution agreement. The responsible authorising officer has ensured that these entities comply with the conditions of Article

¹ OJEU L 310, 9.11.2006, p. 1

² OJ L 298, 26.10.2012, p. 1.

³ C(2007)672

⁴ C(2010)1144

53d of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁵ (hereinafter referred to as 'the Financial Regulation 1605/2002') and of Articles 35 and 43 of its Implementing Rules⁶.

- (5) It is appropriate to acknowledge that grants may be awarded without a call for proposals by the responsible authorising officer who ensures that the conditions for an exception to a call for proposals according to Article 190 of the Rules of Application are fulfilled. Where the reasons for and potential beneficiaries of such award are known at the moment of the adoption of this Decision, they should be identified therein for reasons of transparency.
- (6) This Decision should allow for the award of grants in the form of lump sums and/or unit costs and/or flat-rate financing for the reasons and amounts set out in the Annexes 1 and 4 on the basis of Article 124 of the Financial Regulation and Article 182 of the Rules of Application.
- (7) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of the Financial Regulation and Article 111(4) of the Rules of Application.
- (8) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of the Rules of Application to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the 'responsible authorising officer').
- (9) 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

Adoption of the programme

The Annual Action Programme 2013 in favour of Ukraine, constituted by the actions identified in the second paragraph, is approved.

The actions, the description of which is set out in the attached Annexes 1 to 4, respectively, shall be:

- Sector Policy Support Programme - Support to Ukraine's Regional Policy;
- Further support to the implementation of the National Environmental Policy of Ukraine;
- Second phase of the Sector Policy Support Programme -Promoting mutual trade by removing technical barriers to trade between Ukraine and the European Union;
- Framework programme in support of EU-Ukraine agreements.

⁵ OJ L 248, 16.9.2002, p.1. These provisions remain applicable until 31 December 2013 according to Article 212 of the Financial Regulation.

⁶ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. OJ L 357, 31.12.2002, p.1. These provisions remain applicable until 31 December 2013 according to Article 212 of the Financial Regulation.

Article 2

Financial contribution

The maximum contribution of the European Union authorised by this Decision for the implementation of this programme is set at EUR 186 million to be financed from budget line 19 08 01 03 of the general budget of the European Union for 2013.

Article 3

Implementation modalities

The budget-implementation tasks under joint management shall be entrusted to the entities identified in the attached Annexes, subject to the conclusion of the relevant agreements.

Section 4 of the Annexes referred to in the second paragraph of Article 1 sets out the elements required by Article 94(2) of the Rules of Application.

Grants may be awarded without a call for proposals by the responsible authorising officer according to Article 190 of the Rules of Application. Where known at the moment of the adoption of this Decision, the reasons for this as well as the potential beneficiaries shall be identified in the attached Annexes.

The Commission authorises the use of lump sums and/or unit costs and/or flat-rate financing exceeding EUR 60.000 per beneficiary, in accordance with the conditions set out in the Annexes 1 and 4.

The financial contribution referred to in Article 2 shall also cover any possible interests due for late payment.

Article 4

Non-substantial changes

Increases or cumulated changes to the allocations of specific actions not exceeding 20 % of the contribution referred to in the first paragraph of Article 2 shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the actions.

The responsible authorising officer may adopt these non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 20.11.2013

For the Commission
Štefan FÜLE
Member of the Commission