



EUROPEAN COMMISSION

Brussels, 29.8.2012
C(2012) 5959 final

COMMISSION IMPLEMENTING DECISION

of 29.8.2012

**on the Annual Action Programme 2012 part 1 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,

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; facilitation of the entry into force of the EU-Ukraine Association Agreement (including a Deep and Comprehensive Free Trade Area); and sustainable development.
- (2) The objectives pursued by the Annual Action Programme 2012 part 1, as set out in the attached annexes, are (i) to effectively raise Ukrainian institutions' capacities in the preparation and implementation of the EU-Ukraine Association Agreement; (ii) to support the alignment of the Ukrainian system of migration and asylum management with European and international standards, best practices and experiences; and (iii) to allow a harmonised and effective delivery of international financial support to support energy efficiency and environmental projects.
- (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 Commission has ensured that the management systems set up by the entities to which the Commission will entrust implementation of EU funds for the actions set out in Annexes 1 and 2 comply with the conditions for the delegation of tasks under joint management, as provided for in Article 53(d) of the Financial Regulation and Article 43 of its Implementing Rules with regard to actions implemented under joint management. For the action set out in Annex 3, the European Bank for Reconstruction and Development (EBRD) is currently undergoing the assessment in accordance with Article 53(d) of the Financial Regulation. In anticipation of the results of this review, the authorising officer deems that, based on the long-standing and problem-free cooperation with the EBRD, the joint management mode can be proposed and the standard Contribution Agreement for International Organisations can be signed in accordance with the provisions laid down in Article 43 of the Implementing Rules.
- (7) 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 2012 part 1 in favour of Ukraine, constituted by the actions "Framework Programme in support of EU-Ukraine Agreements", "Support for migration and asylum management in Ukraine" and "Third EU Contribution to the Eastern Europe Energy Efficiency and Environment Partnership Fund", 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 70 million to be financed from budget line 19 08 01 03 of the general budget of the European Union for 2012.

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 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.

Article 4

The management systems set up by the entities to which the Commission will entrust implementation of EU funds for the actions set out in Annexes 1, 2 and 3 comply with the conditions for the delegation of tasks under joint management. The financial implementation of tasks related to these actions can thus be entrusted to these entities.

Done at Brussels, 29.8.2012.

For the Commission
Štefan FÜLE
Member of the Commission

ANNEXES

Annual Action Programme 2012 part 1 for Ukraine

Annex 1: Framework Programme in support of EU-Ukraine Agreements

Annex 2: Support for migration and asylum management in Ukraine

Annex 3: Third EU Contribution to the Eastern Europe Energy Efficiency and Environment Partnership Fund