



Brussels, 22.2.2017  
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**COMMISSION DECISION**

**of 22.2.2017**

**concerning the adoption of the annual work programme and the financing of the  
Hercule III Programme in 2017**

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### concerning the adoption of the annual work programme and the financing of the Hercule III Programme in 2017

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 250/2014 of the European Parliament and of the Council of 26 February 2014<sup>1</sup> establishing a programme<sup>2</sup> to promote activities in the field of the protection of the financial interests of the European Union (Hercule III Programme) and repealing Decision No 804/2004/EC, in particular Article 11 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<sup>3</sup> applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (hereinafter referred to as the 'Financial Regulation'), and in particular Article 84(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the Hercule III Programme, it is necessary to adopt a financing decision and work programme for 2017. Article 94 of Commission Delegated Regulation (EU) No 1268/2012<sup>4</sup> (hereinafter referred to as the 'Rules of Application') establishes detailed rules on financing decisions.
- (2) The entry into force of Regulation (EU) 2015/2219<sup>5</sup> of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA extended the mandate of CEPOL to serve the specific training needs of all law enforcement officials, such as staff employed by customs, national and regional authorities that promote the strengthening of action at Union level to protect the Union's financial interests, including the training needs in the area of digital forensics, as referred to in section 6.2.1 of the annexed work programme. In addition, Article 17(4) of Regulation (EU) 2015/2219 provides that CEPOL may benefit from Union funding in the form of delegation agreements or ad-hoc grants in accordance with its financial rules referred to in Article 21 and with the provisions of the relevant instruments supporting the policies of the Union. Without prejudice to the principle of prohibition of double financing laid down in Regulation (EU, Euratom) No. 966/2012, CEPOL may manage dedicated Union funds to perform specific activities within the scope of its objectives and tasks. Therefore, it is appropriate to authorise the award of

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<sup>1</sup> OJ L 84, 20 March 2014, p. 6.

<sup>2</sup> Hereinafter referred to as the 'Hercule III Programme'.

<sup>3</sup> OJ L 298, 26.10.2012, p. 1, as amended by Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015, OJ L 286, 30.10.2015.

<sup>4</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, OJ L 362, 31.12.2012, p. 1, as amended by Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015, OJ L 342 of 29.12.2015.

<sup>5</sup> OJ L 319, 4.12.2015, p. 1.

grants without a call for proposal to the European Union Agency for Law Enforcement Training (CEPOL).

- (3) The authorising officer responsible should be able to award grants without a call for proposals provided that the conditions for an exception to a call for proposals in accordance with Article 190 of the Rules of Application are fulfilled.
- (4) It is necessary to allow for the payment of interest due for late payment on the basis of Article 92 of the Financial Regulation and Article 111(4) of the Rules of Application.
- (5) In order to allow for flexibility in the implementation of the work programme, it is appropriate to define the term 'substantial change' within the meaning of Article 94(4) of the Rules of Application.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The work programme*

The annual work programme for implementing the Hercule III Programme in 2017 as set out in the Annex is adopted.

The annual work programme constitutes a financing decision within the meaning of Article 84 of the Financial Regulation.

*Article 2*  
*Union contribution*

The maximum contribution for implementation of the Programme in 2017 is set at EUR 14950000 and shall be financed from the appropriations entered in budget line 24.02.01 of the general budget of the Union for 2017.

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

*Article 3*  
*Flexibility clause*

Cumulative changes to the allocations for the specific actions not exceeding 20% of the maximum contribution set in Article 2 of this Decision shall not be considered to be substantial within the meaning of Article 94(4) of the Rules of Application, where those changes do not significantly affect the nature of the actions and the objective of the work programme.

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.

*Article 4*  
*Grants*

Grants may be awarded without a call for proposals to the body referred to in section 6.2.2 of the Annex, in accordance with the conditions set out therein.

Done at Brussels, 22.2.2017

*For the Commission*  
*Günther OETTINGER*  
*Member of the Commission*