COMMISSION IMPLEMENTING DECISION

of 10.12.2018

on the financing of the Annual Action Programme in favour of Myanmar/Burma for 2018 part 2
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THE EUROPEAN COMMISSION,

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


Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action², and in particular Article 2(1) thereof,

Whereas:

(1) In order to ensure the implementation of Annual Action Programme 2018 part 2 in favour of Myanmar/Burma, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2018. 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 Commission has adopted the Multiannual Indicative Programme for Myanmar/Burma for the period 2014-2020, which, under point 1.1, the following priorities: (1) to support peace and national reconciliation; (2) to assist in building a functioning democracy; (3) to foster sustainable development and trade; and (4) to support the re-integration of Myanmar/Burma into the international community. These priorities are in line with the areas of engagement of the EU strategy with Myanmar/Burma as adopted by the Foreign Affairs Council on 20 June 2016.

(4) The objectives pursued by the Annual Action Programme Part 2 to be financed under the Development Cooperation Instrument⁴ are to (1) contribute to lasting peace, security, stability and sustainable development in Myanmar/Burma; and (2) contribute

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² OJ L 77, 15.3.2014, p. 95.
³ www.sanctionsmap.eu 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, the OJ prevails.
to a peaceful and inclusive society for sustainable development in Myanmar/Burma by strengthening the provision of education in ethnic areas.

(5) The action entitled "EU Peace Support in Myanmar/Burma – PEACE IV" has the following specific objectives: (1) Successive milestones of the peace process are reached, and (2) Improved socio-economic recovery in conflict-affected areas and areas affected by intercommunal violence with a special focus on gender.

(6) The action entitled "Strengthening Indigenous Provision of Education in Ethnic Areas of Myanmar" has the specific objective: improved access and learning for indigenous children, youth and women in conflict affected and post-conflict areas who benefit from indigenous education and training harmonised with national education standards.

(7) Pursuant to Article 4(7) of Regulation (EU) No 236/2014 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, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of Regulation (EU, Euratom) 2018/1046 and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.

(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 action provided for in this Decision is in accordance with the opinion of the Development Cooperation Instrument Committee established under Article 19 of Regulation (EU) No 233/2014.

HAS DECIDED AS FOLLOWS:

**Article 1**

*The programme*

The annual financing decision, constituting the annual programme for the implementation of the Annual Action Programme in favour of Myanmar/Burma for 2018 part 2, as set out in the Annexes, is adopted.

The programme shall include the following actions:

(a) "EU Peace Support in Myanmar/Burma – PEACE IV" set out in Annex 1;


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5 Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an ex-ante assessment
Article 2

Union contribution

The maximum Union contribution for the implementation of the programme for year 2018 is set at EUR 40 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union: 21.020200.

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

Article 3

Methods of implementation and entrusted entities or persons

The implementation of the actions carried out by way of indirect management, as set out in the Annex 1, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5.3 of the Annex 1.

Article 4

Flexibility clause

Increases or decreases of up to EUR 10 000 000 not exceeding 20 % of the contribution set in the first paragraph of Article 2, or cumulated changes\(^6\) to the allocations of specific actions not exceeding 20 % of that contribution, as well as extensions of the implementation period shall not be considered substantial for the purpose of Article 110(5) of Regulation (EU, Euratom) 2018/1046, provided that these changes 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.

Done at Brussels, 10.12.2018

For the Commission
Neven MIMICA
Member of the Commission

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\(^6\) These changes can come from assigned revenue made available after the adoption of the financing decision.