



Brussels, 24.5.2019
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COMMISSION IMPLEMENTING DECISION

of 24.5.2019

**on the financing of the Annual Action Programme in favour of Myanmar/Burma for
2019 part 1**

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

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 in favour of Myanmar/Burma for 2019 part 1, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2019. 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 of the Treaty on the Functioning of the European Union (TFEU)³.
- (3) The Commission has adopted the Multiannual Indicative Programme for Myanmar/Burma for the period 2014-2020, and amended it by Commission Implementing Decision of 20.07.2018 C(2018) 4741 final, which sets out the following priorities: to support peace and national reconciliation; to assist in building a functioning democracy; to foster sustainable development and trade; and 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 objective pursued by the Annual Action Programme in favour of Myanmar/Burma for 2019 part 1 to be financed under the Development Cooperation Instrument⁴ is to

¹ OJ L 193, 30.7.2018, p.1.

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.

⁴ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, OJ L 77, 15.3.2014, p. 44.

improve access to justice for women, the poor and people living in vulnerable situations.

- (5) The action entitled "Deepening Access to Justice in Myanmar (MyJustice II)" has the following specific objectives: Legal empowerment of women, poor and vulnerable groups, including those affected by conflict, to use knowledge of legal rights and justice options and claim rights and Community justice services, both formal and informal are more inclusive, transparent, accountable, equitable and the system will protect and promote fundamental rights.
- (6) Pursuant to Article 4(7) of Regulation (EU) No 236/2014 indirect management is to be used for the implementation of the programme.
- (7) 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) 2018/1046⁵ 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.

- (8) 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.
- (9) 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.
- (10) 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 2019 part 1, as set out in the Annex, is adopted.

The programme shall include the following action:

- "Deepening Access to Justice in Myanmar (MyJustice II)" set out in the Annex.

Article 2

Union contribution

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

The maximum Union contribution for the implementation of the programme for year 2019 is set at EUR 20 000 000, 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, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5.4 of the Annex.

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 changes⁶ 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, 24.5.2019

For the Commission

Neven MIMICA

Member of the Commission

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