



Brussels, 20.4.2022
C(2022) 2561 final

COMMISSION IMPLEMENTING DECISION

of 20.4.2022

**on the financing of the individual measure to strengthen the response capacity to
manage migration flows in favour of the Western Balkans for 2022**

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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) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession Assistance (IPA III)² and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the individual measure to strengthen the response capacity to manage migration flows in favour of the Western Balkans for 2022 it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2022. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') 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 an IPA III Programming Framework⁴ for the period 2021 – 2027, which identifies five thematic windows for the delivery of the specific objectives and thematic priorities of Regulation (EU) 2021/1529.
- (4) The objectives pursued by the annual measure are to provide a comprehensive response to manage the migration flow in particularly in Bosnia Herzegovina, North Macedonia and Serbia. It includes the support to the migrant population in terms of provision of basic services, including education and healthcare. In addition the measure envisages capacity building activities to strengthen border and migration control capabilities.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 330m 20.9.2021, p.1.

³ www.sanctionsmap.eu Please 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 between the published legal acts and the updates on the website it is the OJ version that prevails.

⁴ Decision C(2021)8914

- (5) The measure is needed to ensure provision of shelter and food for refugees and migrants present in Bosnia and Herzegovina, North Macedonia and Serbia and to address the needs of the most vulnerable ones, including children and families. In addition the measure envisages capacity building activities to strengthen migration management capabilities. The measure will also address the serious challenges posed by the COVID-19 crisis while improving the local authorities' response.
- (6) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (7) Pursuant to Article 9(1) of Regulation (EU) 2021/1529, indirect management may be used for the implementation of the measure.
- (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 the Financial Regulation.

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) thereof 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 the Financial Regulation.
- (10) In order to allow for flexibility in the implementation of the measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (11) The measure provided for in this Decision is in accordance with the opinion of the IPA III Committee set up by Article 17 of Regulation (EU) 2021/1529⁶.

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The annual financing decision, constituting the annual work programme for the implementation of the Individual measure to strengthen the response capacity to manage migration flows in the Western Balkans for 2022, as set out in the Annex, is adopted.

The measure shall include the following action:

Annex I: Individual measure to strengthen the response capacity to manage migration flows in favour of the Western Balkans for 2022.

⁵ Except for the cases referred to in Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

⁶ The Member States have declared, recalling the Council Conclusions of 18 February 2008 that the adoption of this action plan does not prejudice the position of each individual Member State on the status of Kosovo*, which will be decided in accordance with their national practice and international law.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure referred to in Article 1 is set at EUR 101 250 000 and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- budget line 15.020101.01: EUR 13 300 000;
- budget line 15.020101.03: EUR 87 950 000.

The appropriations provided for in the first sub-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 4 of the Annex.

Article 4
Flexibility clause

Increases⁷ or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated reassignments of funds between actions contained in an action plan not exceeding 20% of that contribution, as well as extensions of the implementation and execution period shall not be considered substantial within the meaning of Article 110(5) of the Financial Regulation, where 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 acting in accordance with the principles of sound financial management and proportionality.

Article 5
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex. Grants may be awarded to the bodies referred to in the Annex selected in accordance with point 4 of the Annex.

Done at Brussels, 20.4.2022

For the Commission
Olivér VÁRHELYI
Member of the Commission

⁷ These changes can come from external assigned revenue made available after the adoption of the financing Decision.