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**COMMISSION IMPLEMENTING DECISION**

**of 17.5.2021**

**on the financing of the use of technical assistance in the framework of the Just  
Transition Fund and the adoption of the annual work programme for 2021**

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## on the financing of the use of technical assistance in the framework of the Just Transition Fund and the adoption of the annual work programme for 2021

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 966/2012<sup>1</sup>, and in particular Article 110 thereof,

Having regard to the future Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument<sup>2</sup>, and in particular Article 29 thereof,

Having regard to the future Regulation of the European Parliament and of the Council establishing the Just Transition Fund<sup>3</sup>, and in particular Article 3(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the technical assistance in the framework of the Just Transition Fund, it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2021. 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 of the Treaty on the Functioning of the European Union.
- (3) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (4) Pursuant to Article 62(1), point (c), of the Financial Regulation indirect management is to be used for the implementation of the programme.

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<sup>1</sup> OJ L 193, 30.7.2018, p. 1.

<sup>2</sup> Commission proposal COM(2018) 375 of 29 May 2018, as amended by COM(2020) 23 of 14 January 2020 and COM(2020) 450 of 28 May 2020.

<sup>3</sup> Commission proposal COM(2020) 22 of 14 January 2020, amended by COM(2020) 460 on 28 May 2020.

- (5) The Commission is to ensure a level of protection of the financial interests of the Union with regard 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 the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (6) 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.
- (7) In order to allow for flexibility in the implementation of the work programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (8) In accordance with Article 29 of the future Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument, and point (a) of the second subparagraph of Article 193(2) of the Financial Regulation, if duly justified, activities and costs in grants financed under this Decision may be eligible from the beginning of the financial year 2021, even if implemented and incurred before the grant application was submitted.
- (9) The implementation of the work programme is subject to the final adoption and entry into force of the future Regulation of the European Parliament and of the Council establishing the Just Transition Fund by the legislative authority without significant modifications.
- (10) In relation to appropriations attributed as external assigned revenue under Article 3(1) of Council Regulation (EU) 2020/2094<sup>4</sup>, the implementation of this Decision is subject to additional suspensive conditions,

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The work programme*

The annual financing decision, constituting the annual work programme for the implementation of the technical assistance in the framework of the Just Transition Fund for the year 2021, as set out in the Annex, is hereby adopted.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the technical assistance for the year 2021 is set at EUR 11 365 538 and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

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<sup>4</sup> Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433I , 22.12.2020, p. 23).

- (a) budget line 09 03 02 00: EUR 3 937 082;
- (b) budget line 09 03 02 00-NGEU: EUR 7 428 456.

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

The implementation of this work programme is subject to:

- the final adoption and entry into force of the future Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument, by the legislative authority without significant modifications;
- the final adoption and entry into force of the future Regulation of the European Parliament and of the Council establishing the Just Transition Fund by the legislative authority without significant modifications;
- the availability of the appropriations as provided for in the general budget of the Union for 2021.

In relation to appropriations attributed as external assigned revenue under Article 3(1) of Regulation 2020/2094, the implementation of this Decision is also subject to the entry into force of Council Decision (EU, Euratom) 2020/2053<sup>5</sup> and the availability of the corresponding external assigned revenues.

### *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 of that Annex.

### *Article 4*

#### *Flexibility clause*

Cumulated changes to the allocations to specific actions not exceeding 20% of the maximum Union contribution set out in the first paragraph of Article 2 of this Decision shall not be considered to be substantial for the purposes of Article 110(5) of the Financial Regulation, 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.

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<sup>5</sup> Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom (OJ L 424, 15.12.2020, p. 1).

*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.

Done at Brussels, 17.5.2021

*For the Commission*

*Elisa FERREIRA*

*Member of the Commission*