



Brussels, 17.6.2022
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COMMISSION IMPLEMENTING DECISION

of 17.6.2022

**on the financing of the public sector loan facility and the adoption of the multiannual
work programme for the period 2021-2025**

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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) 2021/1229 of the European Parliament and of the Council of 14 July 2021 on the public sector loan facility under the Just Transition Mechanism², and in particular Article 14 thereof,

Whereas:

- (1) In order to ensure the implementation of the public sector loan facility, it is necessary to adopt a multiannual financing decision, which constitutes the multiannual work programme, for the period 2021-2025. 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 TFEU.
- (3) Pursuant to Article 62(1)(c) of the Financial Regulation, indirect management is to be used for the implementation of advisory support under the programme.
- (4) 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 the Financial Regulation³ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (5) 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.

¹ OJ L 193, 30.7.2018, p. 1.

² OJ L 274, 30.7.2021, p. 1.

³ Except for the cases of Article 154(6) of the Financial Regulation, where the Commission may decide not to require an ex-ante assessment.

- (6) 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.
- (7) The measures provided for in this Decision are in accordance with the opinion of the committee established by Article 115(1) of Regulation (EU) 2021/1060 of the European Parliament and of the Council⁴,

HAS DECIDED AS FOLLOWS:

Article 1
The work programme

The multiannual financing decision, constituting the multiannual work programme for the implementation of the public sector loan facility for the period 2021-2025, as set out in the Annex, is adopted.

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme for the period 2021-2025 is set at EUR 1 494 500 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

budget line 09 04 01 - Public sector loan facility under the Just Transition Mechanism (JTM): EUR 1 494 500 000 including external assigned revenue up to a maximum amount of EUR 1 275 000 000 in current prices.

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

The Union contribution set out in the first paragraph of this Article shall be distributed between the components of the facility in accordance with Point 2 of the Annex.

The implementation of this Decision is subject to the availability of the appropriations provided for in the general budget of the Union for 2022, 2023, 2024 and 2025 following the adoption of that budget by the budget authority.

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 2.2 (*Advisory support under the Facility*) of that Annex.

Article 4
Flexibility clause

Cumulated changes to the allocations to specific actions not exceeding 20% of the maximum Union contribution set 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

⁴ OJ L 231, 30.6.2021, p. 159.

the work programme. The increase of the maximum Union contribution set in the first paragraph of Article 2 of this Decision shall not exceed 20%.

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, 17.6.2022

For the Commission
Elisa FERREIRA
Member of the Commission