



Brussels, 30.1.2023
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COMMISSION IMPLEMENTING DECISION

of 30.1.2023

on the financing of the use of technical assistance at the initiative of the Commission in the framework of the European Regional Development Fund, the Cohesion Fund and the Just Transition Fund and the adoption of the annual work programme for 2023

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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) 2021/1060 of the European Parliament and of the Council of 24 June 2021 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, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy², and in particular Articles 7(2) and 35 thereof,

Having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006³, and in particular Article 58 thereof,

Whereas:

- (1) In order to ensure the implementation of technical assistance at the initiative of the Commission in the framework of the European Regional Development Fund ('ERDF'), the Cohesion Fund and the Just Transition Fund ('JTF'), including additional resources stemming from the European Union Recovery Instrument providing assistance for fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and for preparing a green, digital and resilient recovery of the economy ('REACT-EU resources'), it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2023.

¹ OJ L 193, 30.7.2018, p. 1

² OJ L 231, 30.6.2021, p. 159

³ OJ L 347, 20.12.2013, p. 320

- (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 Union⁴.
- (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)(c) of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation'), indirect management is to be used for the implementation of the programme.
- (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 based on 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 that should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation,

HAS DECIDED AS FOLLOWS:

Article 1
The work programme

The annual financing decision, constituting the annual work programme for the implementation of technical assistance at the initiative of the Commission in the framework of the ERDF, the Cohesion Fund and the JTF for the year 2023, as set out in Annexes 1 and 2, is hereby adopted.

Article 2
Union contribution

The maximum Union contribution for the implementation of the technical assistance for the year 2023 is set at EUR 158 554 011, and shall be financed from the appropriations entered in the following budget lines of the general budget of the Union:

- (a) budget line 05 02 02 00 (ERDF): EUR 104 166 916
- (b) budget line 05 03 02 00 (Cohesion Fund): EUR 15 864 498
- (c) budget line 05 02 05 02-NGEU (REACT-EU): EUR 26 839 839⁵
- (d) budget line 09 03 02 00 (JTF): EUR 4 140 303

⁴ 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 published legal acts and the updates on the website it is the OJ version that prevails.

⁵ Estimation of 2022 carry-over of commitment appropriations

(e) budget line 09 03 02 00-NGEU (JTF NGEU): EUR 15 457 131

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

The implementation of this Decision is subject to the availability of the appropriations provided for in the draft general budget of the Union for 2023, following the adoption of that budget by the budget authority or as provided for in the system of provisional twelfths.

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 Annexes 1 and 2, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5 of these Annexes.

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 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.

Article 5

Adjustment clause

The maximum Union contribution set in the first paragraph of Article 2 may be adjusted to the amount of appropriations decided by the budget authority in the general budget of the Union for year 2023 provided the change does not exceed 20%.

Article 6

Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in Annex 1. Grants may be awarded to the bodies referred to in that Annex.

Done at Brussels, 30.1.2023

For the Commission

Elisa FERREIRA

Member of the Commission