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COMMISSION IMPLEMENTING DECISION

of 2.5.2014

on a Special measure 2014 in favour of Georgia and Moldova to be financed from the general budget of the European Union

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THE EUROPEAN COMMISSION,

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

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 for the implementation of the Union's instruments for external action[1] and in particular Article 2(1) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002[2], and in particular Article 84(2) thereof,

Whereas:

(1) In line with the European Council Conclusions of 20 March 2014, cooperation with Ukraine, Georgia and the Republic of Moldova should be treated as a matter of political priority.

(2) To facilitate the implementation of the incentive-based approach set forth in the European Neighbourhood Instrument[3], the Commission establishes multi-country umbrella programmes that supplement the indicative financial allocations for country programmes. In 2014, Georgia is granted EUR 30 million, and the Republic of Moldova is granted EUR 30 million through this mechanism that offers incentives to countries that make progress towards deep and sustainable democracy; these allocations provide funding for the present special measure.

(3) The European Council of 20 March 2014 reconfirmed its objective to further strengthen the political association and economic integration with Georgia and the Republic of Moldova and to advance the signature of the Association Agreement. The objective pursued by the special measure to be financed under the European Neighbourhood Instrument is to foster national reforms in Georgia and the Republic of Moldova in key areas of the Association Agreement related to deep and sustainable democracy and integration in the EU internal market. The special measure contains four actions.

(4) The first action entitled “Support to the implementation of DCFTA process in Moldova” targets competitiveness of Moldovan small and medium enterprises; development of national legislation in line with EU quality standards; promotion of export and investment opportunities; communication on the benefits of the trade

[1] OJ L77, 15.03.2014, p. 95.

[2] OJ L 298, 26.10.2012, p. 1.

[3] Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument, OJ L 77, 15.03.2014, p. 27–43.

agreement with the EU. The action will be implemented through budget support, grants and service contracts.

(5) The second action entitled “Framework Programme in support of EU-Georgia Agreements (top-up)” extends ongoing support for the modernisation of public institutions linked to the implementation of the Association Agreement, with a focus on democratic oversight, environment, electronic data protection, and gender equality. The action will be implemented through grants and service contracts.

(6) The third action entitled “European Neighbourhood programme for agriculture and rural development (ENPARD) Georgia (top-up)” extends ongoing support for competitiveness of small rural business, economic diversification in rural areas, and better trade opportunities with the EU. The action will be implemented through budget support, grants and service contracts.

(7) The fourth action entitled “Human rights for all in Georgia” supports implementation of the national human rights strategy and action plan, with a focus on protecting the rights of minorities and vulnerable groups (including children and victims of domestic violence), and improving democratic control of law enforcement. The action will be implemented through indirect management with an international organisation and through grants and service contracts under direct management.

(8) This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union[4].

(9) The Commission may entrust budget-implementation tasks under indirect management to the entity identified in this Decision, subject to the conclusion of a delegation agreement. However, the United Nations Development Programme (UNDP) is currently undergoing the ex ante assessment. In anticipation of the results of this review, the responsible authorising officer deems that, based on a preliminary evaluation and on the long-standing and problem-free cooperation with it, budget-implementation tasks can be entrusted to this entity.

(10) It is appropriate to acknowledge that grants may be awarded without a call for proposals by the responsible authorising officer who ensures that the conditions for an exception to a call for proposals according to Article 190 of Commission Delegated Regulation (EU) No 1268/2012 are fulfilled. The reasons for and potential beneficiaries of such award should be identified, where known, in this Decision for reasons of transparency.

(11) This decision should allow for the award of grants in the form of lump sums and/or unit costs and/or flat-rate financing for the reasons and amounts set out in the Annexes on the basis of Article 124 of the Financial Regulation and Article 182 of the Rules of Application.

(12) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.

(13) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of Delegated Regulation (EU) No 1268/2012 to ensure that any such

4 OJ L 362, 31.12.2012, p. 1.

changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the 'responsible authorising officer').

(14) The measures provided for in this Decision are in accordance with the opinion of the European Neighbourhood Instrument Committee set up by Article 15 of Regulation (EU) No 232/2014.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The following "Special measure 2014 in favour of Georgia and Moldova", constituted by the actions identified in the second paragraph and as set out in Annexes 1 to 4 is approved:

The actions constituting this measure are:

– Annex 1: "Support to the implementation of DCFTA process in Moldova";

– Annex 2: "Framework Programme in support of EU-Georgia Agreements (top-up)";

– Annex 3: "European Neighbourhood programme for agriculture and rural development (ENPARD) Georgia (top-up)";

– Annex 4: "Human rights for all in Georgia".

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the Special mesure 2014 in favour of Georgia and Moldova is set at EUR 60 million[5] to be financed from budget line 21 03 03 03 of the general budget of the European Union for 2014.

Article 3

Implementation modalities

Budget-implementation tasks under indirect management may be entrusted to the entity identified in the attached Annexes, subject to the conclusion of the relevant agreement.

Section 4 of the Annexes 1 to 4 sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012.

Grants may be awarded without a call for proposals by the responsible authorising officer according to Article 190 of Delegated Regulation (EU) No 1268/2012. Where known at the moment of the adoption of this Decision, the reasons for this as well as the potential beneficiaries shall be identified in the attached Annexes.

The Commission authorises the use of lump sums and/or unit costs and/or flat-rate financing exceeding EUR 60.000 per beneficiary, in accordance with the conditions set out in the Annexes.

The financial contribution referred to in Article 2 shall also cover any possible interests due for late payment.

[5] This amount must include the appropriations corresponding to assigned revenue, if they are available at the time the financing decision is adopted.

Article 4

Non-substantial changes

Increases or decreases of up to EUR 10 million not exceeding 20 % of the contribution referred to in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20 % of that contribution shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the actions.

The responsible authorising officer may adopt these non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 2.5.2014

For the Commission
Štefan FÜLE
Member of the Commission