



Brussels, 4.10.2016
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COMMISSION IMPLEMENTING DECISION

of 4.10.2016

modifying the Commission Implementing Decision C(2015)5272 final of 22 July 2015 on the ENI East Regional Action Programme 2015 Part 2 to be financed from the general budget of the 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 of the Union's instruments for financing external action¹, and in particular Article 2 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 1605/2002², and in particular Article 84(2) thereof,

Whereas:

- (1) The Commission has adopted on 22 July 2015 Decision C(2015)5272 final on the ENI East Regional Action Programme 2015 Part 2 financed under Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument³, comprising four actions with a budget of up to EUR 64.5 million for an amount of EUR 27.5 million from the general budget of the Union for 2015 and for an amount of EUR 37 million from the general budget of the Union for 2016⁴.
- (2) The four actions mentioned above are: 1) "Regional Programme in the Neighbourhood in support of the Eastern Partnership Flagship Initiative on Municipal Development"; 2) "European Union Water Initiative Plus for Eastern Partnership (EUWI+ 4 EaP)"; 3) "Neighbourhood Civil Society Facility Regional Actions 2015"; 4) "European Union Border Assistance Mission to the Republic of Moldova and Ukraine (EUBAM 11)".
- (3) The implementation modalities for the second action ("European Union Water Initiative Plus for Eastern Partnership - EUWI+ 4 EaP") foresee that activities under results 2 and 3 as described in sections 4.1 and 4.2 of Annex 2 to Decision C(2015)5272 final of 22 July 2015, for an indicative amount of up to EUR 16.5 million, would be implemented in direct management by way of a grant

¹ OJ L 77, 15.3.2014, p. 95.

² OJ L 298, 26.10.2012, p. 1.

³ OJ L 77, 15.3.2014, p. 27.

⁴ EUR 27.5 million from the general budget of the European Union for 2015:

- budget line 21 03 02 01: EUR 5 million;
- budget line 21 03 02 02: EUR 14.5 million;
- budget line 21 03 02 03: EUR 8 million.

EUR 37.0 million from the general budget of the European Union for 2016:

- budget line 22 04 02 02: EUR 29 million;
- budget line 22 04 02 03: EUR 8 million.

contract awarded to one or several EU Member States' public entities specialised in the management of water resources.

- (4) Following an identification and selection process, done through a consultation of Member States administrations, aiming at identifying the entity(ies) having the required qualifications, capacity and experience for implementing the planned activities, the authorising officer responsible awarded the grant contract to Umweltbundesamt GmbH, the Environment Agency of Austria, partnering with French and Croatian specialised public agencies (principally the French International Water Office and the Croatian Hrvatske Vode), in accordance with Article 190(1)(f) of Commission Delegated Regulation (EU) No 1268/2012⁵, allowing that grants may be awarded without a call for proposals for actions with specific characteristics that require a particular type of body on account of its technical competence, its high degree of specialisation or its administrative power.
- (5) When it delivers public-interest services, Umweltbundesamt is legally obliged to account its staff costs at full costs using a system of unit rates that is defined annually in section 4 of the Annual Decree of the Austrian Minister for Agriculture, Forestry, Environment and Water management, which is based on the Environmental Control Act⁶.
- (6) These unit rates, which include all direct and indirect staff costs, are determined on the basis of analytical accounting and strictly monitored by the Austrian Minister for Agriculture, Forestry, Environment and Water management so as to assure full compliance with both real costs and non-profit principles. For the calendar year 2016, the daily unit rate for Umweltbundesamt staff is EUR 585 and the hourly rate is EUR 78, as specified in the 2015 Annual Decree⁷.
- (7) Such unit rates constitute unit costs as referred to in Article 123 of Regulation (EU, Euratom) No 966/2012 and Article 181 of Delegated Regulation (EU) No 1268/2012; and the method used for determining these unit rates complies with the rules and principles set forth in Article 124(1) and Article 124(2) of Regulation (EU, Euratom) No 966/2012.
- (8) This Decision should therefore allow for the award of grants in the form of unit costs for the reasons set out above and in the Annex to this Decision, on the basis of Article 124 of Regulation (EU, Euratom) No 966/2012 and Article 182 of Delegated Regulation (EU) No 1268/2012. This Decision should also allow for a yearly adjustment of the amount of these unit costs according to the rates published in section 4 of the Annual Decree of the Austrian Minister for Agriculture, Forestry, Environment and Water management, which is based on the Environmental Control Act, as referred in Recital 5.
- (9) As authorised by and within the limits set in Article 4 of Decision C(2015)5272 final of 22 July 2015, the authorising officer responsible has amended the Decision, extending by 12 months the duration of the operational implementation period and acknowledging a split of budget between the OECD and the UNECE on Result 1 of the Action.

⁵ 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 (OJ L 362, 31.12.2012, p. 1).

⁶ Umweltkontrollgesetz, B.G.B.I., Federal Law Gazette I 152/1998 as amended.

⁷ GZ BMLFUW-UW 99.1.1/0160-I/2015.

- (10) It is necessary to adopt a modifying financing decision the detailed rules on which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012⁸.
- (11) Pursuant to Article 94(4) of Delegation Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (12) The measure provided for in this Decision does not fall in the categories of measures for which the prior opinion of the Committee is required. The European Parliament and the European Neighbourhood Instrument Committee set up by Article 15 of the financing instrument referred to in Recital 1 should be informed of this Decision within one month following its adoption,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption

The Commission Implementing Decision C(2015)5272 final of 22 July 2015 on the ENI East Regional Action Programme 2015 Part 2 to be financed from the general budget of the European Union is modified as follows:

Annex 2, " Union Water Initiative Plus for Eastern Partnership (EUWI+ 4 EaP)" is replaced by the Annex to this Decision.

Article 2

Implementation modalities

The Commission authorises the use of unit costs exceeding EUR 60 000 per beneficiary and the yearly adjustment of these rates, in accordance with the conditions set out in Annex.

Done at Brussels, 4.10.2016

For the Commission

Johannes HAHN

Member of the Commission

⁸ 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 (OJ L 362, 31.12.2012, p. 1).