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**COMMISSION IMPLEMENTING DECISION**

**of 7.12.2022**

**on the financing of the annual action plan in favour of the Republic of Serbia for 2022**

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

Having regard to Regulation (EU) No 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession Assistance (IPA III)<sup>2</sup> and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favor of the Republic of Serbia for 2022, it is necessary to adopt an annual financing Decision, which constitutes the annual work programme, for 2022. 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<sup>3</sup>.
- (3) The actions provided for in this Decision contribute to climate mainstreaming in line with the European Green Deal<sup>4</sup> and the inter-institutional agreement.
- (4) The Commission has adopted a Pre-Accession Assistance ('IPA III') Programming Framework<sup>5</sup> for the period 2021 – 2027, which identifies five thematic windows for the delivery of the specific objectives and thematic priorities of Regulation (EU) No 2021/1529.
- (5) The objectives pursued by the annual action plan should support the Serbian administration to effectively meet EU accession requirements geared towards EU membership.

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

<sup>2</sup> OJ L 330, 20.9.2021, p.1.

<sup>3</sup> [www.sanctionsmap.eu](http://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 the published legal acts and the updates on the website it is the OJ version that prevails.

<sup>4</sup> COM(2019)640 of 11.12.2019

<sup>5</sup> Commission Implementing Decision C(2021)8914 of 10.12.2021 on the Instrument for Pre-Accession Assistance (IPA III) Programming Framework for the period 2021-2027.

- (6) The objective of the action entitled EU for Fundamental Rights is to increase support to Internally Displaced Persons (IDPs) and to support the creation of an enabling environment for freedom of expression. The action entitled Sector Reform Performance Contract for Justice Reform will support the implementation of the National Judicial Development Strategy for the period 2020-2025. The action entitled European Integration Facility will support the Serbian administration to effectively meet EU accession requirements and successfully manage overall EU pre-accession assistance geared towards EU membership. The action entitled Sector Reform Performance Contract for Public Administration Reform will lead to improved recruitment process in public administration applied in practice; increased level of accountability and transparency at all levels of the government; improved capacities for budget planning and public investment management; effective collection and management of budget funds and improved PIFC system implementation in public sector institutions. The action entitled EU Support to Speed up the Implementation of the Green Agenda in Serbia will help ensure that Serbia meets the requirements under Chapter 27. Finally, the action entitled EU for Inclusive Growth through Improved Social Service Provision and Quality Systems for Labour and Education will create conditions for improved social care services, functioning of the labour market, quality of the working environment and educational outcomes.
- (7) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (8) Pursuant to Article 9(1) of Regulation (EU) No2021/1529, indirect management is to be used for the implementation of the action plan.
- (9) 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)<sup>6</sup> of Regulation (EU, Euratom) 2018/1046 and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.

To this end, the Commission, should be able to entrust the implementation to the IPA III beneficiary or the bodies designated by it subject to the conclusion of a financing agreement in accordance with Article 158 of the Financial Regulation.

- (10) 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
- (11) In order to allow for flexibility in the implementation of the action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation

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<sup>6</sup> Except for the cases referred to in Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment

(12) The action plan provided for in this Decision is in accordance with the opinion of the IPA III Committee set up by Article 17 of Regulation (EU) No 2021/1529<sup>7</sup>.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The action plan*

The annual financing Decision, constituting the annual work programme for the implementation of the annual action plan in favour of the Republic of Serbia for 2022, as set out in the Annex(es), is adopted.

The action plan shall include the following actions:

- EU for Fundamental Rights, as set out in Annex I;
- Sector Reform Performance Contract for Justice Reform, as set out in Annex II;
- European Integration Facility, as set out in Annex III;
- Sector Reform Performance Contract for Public Administration Reform, as set out in Annex IV;
- EU Support to Speed up the Implementation of the Green Agenda in Serbia, as set out in Annex V;
- EU for Inclusive Growth through Improved Social Service Provision and Quality Systems for Labour and Education, as set out in Annex VI.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the action plan referred to in Article 1 is set at EUR 162 200 000 and shall be financed from the appropriations entered in the following lines of the general budget of the Union for year 2022:

- budget line 15.020101.01: EUR 80 900 000
- budget line 15.020201: EUR 81 300 000

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

*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(es), may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.4.4. of Annex I; 4.4.1. of Annex III and 4.4.4. of Annex VI.

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<sup>7</sup> The Member States have declared, recalling the Council Conclusions of 18 February 2008, that the adoption of this action plan does not prejudice the position of each individual Member State on the status of Kosovo, which will be decided in accordance with their national practice and international law.

*Article 4*  
*Flexibility clause*

Increases<sup>8</sup> or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in Article 2, first paragraph, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution, as well as extensions of the implementation and execution period shall not be considered substantial for the purposes of Article 110(5) of the Financial Regulation, provided that these changes do not significantly affect the nature and objectives of the actions.

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*  
*Grants*

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex III. Grants may be awarded to the bodies referred to in the Annexes selected in accordance with point 4.4 of the Annexes.

Done at Brussels, 7.12.2022

*For the Commission*  
*Olivér VÁRHELYI*  
*Member of the Commission*

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<sup>8</sup> These changes can come from external assigned revenue made available after the adoption of the financing decision.