



Brussels, 20.6.2023
C(2023) 4022 final

COMMISSION IMPLEMENTING DECISION

of 20.6.2023

on the financing of the annual action plan in favour of Ukraine 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) 2018/1046¹ 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, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947² of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument - Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009 , and in particular Article 23(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favour of Ukraine for 2023, it is necessary to adopt an annual financing Decision, which constitutes the annual work programme, for 2023.
- (2) The envisaged assistance should comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (3) The Commission has adopted the Multiannual Indicative Programme for Ukraine³ for the period 2021-2027, which sets out the following priorities: (a) “a resilient, sustainable and integrated economy”; (b) “accountable institutions, the rule of law and security”; (c) “environmental and climate resilience”; (d) “a resilient digital transformation”; and (e) “a resilient, gender-equal, fair and inclusive society”.
- (4) The objectives pursued by the annual action plan to be financed under the Neighbourhood geographic programme of Regulation (EU) 2021/947 should contribute to the urgent rehabilitation of conflict-damaged critical priority objects, to create the necessary conditions for the implementation of reforms that are instrumental to Ukraine’s EU accession and to increase its resilience to withstand the impact of Russia’s war of aggression.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 209, 14.6.2021, p.1.

³ Commission Implementing Decision C(2021)9351 of 13.12.2021.

- (5) The action entitled ‘Support to Ukraine’s fast recovery’ aims at mitigating the impact of Russia’s war of aggression on Ukraine’s population.
- (6) The action entitled ‘EU Support to Recovery and Reforms’ aims at supporting Ukraine in its EU membership path and implementation of the Association Agreement (AA) and its Deep and Comprehensive Free Trade Area (DCFTA) while strengthening its resilience and capacity to respond to the impacts generated by Russia’s war of aggression.
- (7) The objective and design of all actions fulfil the criteria for Official Development Assistance established by the OECD/DAC, as per the requirements of Article 3(4) of Regulation (EU) 2021/947, contributing to the sustainable development of partner countries and the implementation of the 2030 agenda by supporting mainly the following Sustainable Development Goals (SDG): SDG 1 - End poverty in all its forms everywhere and SDG 16 – Peace, Justice and Strong Institutions. The countries benefiting from the action which are included in the list of ODA recipients, are identified in the respective action document.
- (8) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (9) Pursuant to Article 62(1), point (c) of the Financial Regulation, indirect management is to be used for the implementation of the action plan.
- (10) 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.
- (11) To that 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.
- (12) 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.
- (13) 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.
- (14) The action plan provided for in this decision is in accordance with the opinion of the Committee established under Article 45 of Regulation (EU) 2021/947.

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 Ukraine for 2023, as set out in the annexes, is adopted.

The action plan shall include the following actions:

- (a) - ‘Support to Ukraine’s fast recovery’ set out in Annex I;

- (b) - ‘EU Support to Recovery and Reforms’ set out in Annex II.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2023 is set at EUR 585 000 000, and shall be financed from the appropriations entered in budget line 14.020111 of the general budget of the Union.

The appropriations provided for in the first 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 II, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.3.3 of the Annex II.

Article 4
Flexibility clause

Increases⁴ 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 period shall not be considered substantial within the meaning 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 6
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex. Grants may be awarded to the bodies selected in accordance with point 4.3.1 of the Annex II.

Done at Brussels, 20.6.2023

For the Commission
Olivér VÁRHELYI
Member of the Commission

⁴These changes can come from external assigned revenue made available after the adoption of the financing Decision.