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**COMMISSION IMPLEMENTING DECISION**

**of 13.12.2022**

**on the financing of the annual action plan in favour of the NDICI Neighbourhood  
Investment Platform (NIP) – 2022 East**

# COMMISSION IMPLEMENTING DECISION

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## on the financing of the annual action plan in favour of the NDICI Neighbourhood Investment Platform (NIP) – 2022 East

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 2018/1046<sup>1</sup> 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) 2021/947<sup>2</sup> 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 NDICI Neighbourhood East Regional Action Programme 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 should 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 and biodiversity mainstreaming in line with the European Green Deal<sup>4</sup> and the inter-institutional agreement.
- (4) The Commission has adopted the Multiannual Indicative Programme for the Neighbourhood East Region<sup>5</sup> for the period 2021-2027, which sets out the following

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

<sup>2</sup> OJ L 209, 14.6.2021, 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 final of 11.12.2019

<sup>5</sup> Commission Implementing Decision C(2021)9370 of 15/12/2021 adopting a multiannual indicative programme for the Eastern neighbourhood for the period 2021-2027

priorities areas: 1: Resilient, sustainable and integrated economies; 2: Accountable institutions, the rule of law and security; 3: Environmental and climate resilience; 4. Resilient digital transformation; 5: Resilient, gender equal, fair and inclusive societies.

- (5) The objectives pursued by the annual action plan to be financed under the Neighbourhood East regional programme of Regulation (EU) 2021/947 should contribute to 1: Resilient, sustainable and integrated economies; 2: Accountable institutions, the rule of law and security; 3: Environmental and climate resilience; 4: Resilient digital transformation; 5: Resilient, gender equal, fair and inclusive societies.
- (6) The action entitled ‘Neighbourhood Investment Platform (NIP) – 2022 East’ (Annex I) aims at mobilising investments in infrastructure of transport, energy, environment, with a particular focus on climate change mitigation and adaptation, and to support social and private sector development in the European Neighbourhood Partner Countries.
- (7) Furthermore, in order to ensure the implementation of budgetary guarantees of the European Fund for Sustainable Development Plus (EFSD+), eligible under the Neighbourhood, Development and International Cooperation Instrument – Global Europe, it is appropriate to provision the EFSD+ compartment of the Common Provisioning Fund with a contribution from the general budget of the Union for 2022. From the 2022 provisioning contribution for the Eastern Neighbourhood to the EFSD+ compartment, EUR 10 000 000 will meet the provisioning needs related to the Special measure in favour of contributing to the availability and equitable access to COVID-19 vaccines in low and lower-middle income countries through the COVAX Facility for 2021<sup>6</sup>.
- (8) In order to ensure the implementation of the External Lending Mandate, established by Decision No 466/2014/EU of the European Parliament and of the Council of 16 April 2014 granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union<sup>7</sup>, prolonged until the end of 2021 in line with Article 49 of the Neighbourhood, Development and International Cooperation Instrument – Global Europe Regulation, it is appropriate to provision the Guarantee Fund for External Action compartment of the Common Provisioning Fund with a contribution in 2022 from the general budget of the Union.
- (9) The Commission should acknowledge and accept contributions from other donors in accordance with Article 21(2) of the Financial Regulation, subject to the conclusion of the relevant agreement for the implementation of actions “Neighbourhood Investment Platform (NIP) – 2022 East” (Annex I). Where such contributions are not denominated in euro, a reasonable estimate of conversion should be made.
- (10) Pursuant to Article 26(1) of Regulation (EU) 2021/947 and Article 62(1)(c) of the Financial Regulation, indirect management is to be used for the implementation of the action plan.
- (11) 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

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<sup>6</sup> Part of the EUR 100 000 000 provisioning contribution authorised by the Commission Implementing Decision C(2021) 6793 final has been de-committed and will be partly replaced by the 2022 contribution from the Neighbourhood envelope.

<sup>7</sup> OJ L 135, 8.5.2014, p. 1.

funds by indirect management as provided for in Article 154(3) of the Financial Regulation.

- (12) 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) thereof before a contribution agreement can be signed.
- (13) 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.
- (14) 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.
- (15) The action plan provided for in this decision is in accordance with the opinion of the Neighbourhood, Development and International Cooperation Instrument 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 the NDICI Neighbourhood East Region for 2022, as set out in the annex, is adopted.

The action plan shall include the following actions:

- (a) Annex I: Neighbourhood Investment Platform (NIP) – 2022 East

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the action plan for 2022 is set at EUR 76.036.471,08 €, 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*  
*Provisioning for budgetary guarantees*

The maximum Union contribution for the provisioning of the Common Provisioning Fund for 2022 is set at EUR 142 584 914.14 and shall be financed from the appropriations entered in the following sub-headings of budget line 14.020170 “NDICI – Global Europe – Provisioning of the Common Provisioning Fund” of the General Budget<sup>8</sup>:

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<sup>8</sup> The Provisioning for budgetary guarantees is separated from the union contribution for the implementation of the action plan for 2022 set out in Article 2 which shall finance the Neighbourhood Investment Platform (NIP) – 2022 East.

- budget line 14.020170.01 (EFSD+ compartment): EUR 104 019 956.40, including EUR 10 000 000 in favour of contributing to the availability and equitable access to COVID-19 vaccines in low and lower-middle income countries through the COVAX Facility for 2021;<sup>9</sup>
- budget line 14.020170.05 (ELM legacy in GFEA compartment): EUR 38 564 957.74.

#### *Article 4*

##### *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 I, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.3.1 of Annex I.

#### *Article 5*

##### *Flexibility clause*

Increases<sup>10</sup> or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in the first paragraph of Article 2, considering each financial year separately, 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 acting in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 13.12.2022

*For the Commission*

*Olivér VÁRHELYI*

*Member of the Commission*

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<sup>9</sup> C(2021) 6793 final

<sup>10</sup> These changes can come from external assigned revenue made available after the adoption of the financing Decision.