



Brussels, 20.7.2016
C(2016) 4861 final

COMMISSION IMPLEMENTING DECISION

of 20.7.2016

**on the Annual Action Programme 2016 in favour of the Republic of Belarus to be
financed from the general budget of the European Union**

COMMISSION IMPLEMENTING DECISION

of 20.7.2016

**on the Annual Action Programme 2016 in favour of the Republic of Belarus to be
financed from the general budget of the European Union**

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(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 1605/2002², and in particular Article 84(2) thereof,

Whereas:

- (1) The Commission has adopted the Multiannual Indicative Programme for the Republic of Belarus for the period 2014-2017³, points 1.2, 4 and 5 of which provide for the following priorities: Local / Regional economic development, complementary support to civil society and complementary support for capacity development.
- (2) The objectives pursued by the Annual Action Programme 2016 to be financed under the European Neighbourhood Instrument⁴ are to support Belarus in implementing structural and institutional reforms; support Belarus in the development and implementation of the country's irregular migration and asylum policies and strategies; contribute to participatory and sustainable social and economic development in the regions of Belarus through enhancing private local economic initiative and small and medium enterprises; boost democratic development in Belarus by giving young Belarusians access to independent higher education.
- (3) The action entitled “Technical Cooperation Facility (TCF)” will support and smoothen implementation of the structural and institutional reforms in the selected areas (macro-economic reforms, economic planning, corporate governance, unemployment, restructuring of state-owned enterprises, financial sector reform, banking stability, World Trade Organization accession, support to Small and medium-sized enterprises, sustainability of the utilities sector, social protection), enhance the capacity and knowledge base of Belarusian public governmental institutions, state and semi-state

¹ OJ L 77, 15.3.2014, p. 95.

² OJ L 298, 26.10.2012, p. 1.

³ Decision C(2014)5097, 23.07.2014

⁴ 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, 15.3.2014, p. 27).

enterprises through policy advice, as well as to promote good governance, justice, gender equality and rule of law.

- (4) The action entitled “Helping Belarus Address the Phenomenon of Increasing Numbers of Irregular Migrants from Third Countries” will contribute to the strengthening and respect of human rights and fundamental freedom aspects in the area of irregular migration, contribute to the convergence of Belarus' normative framework towards the EU's corresponding framework, contribute to the facilitation of operational cooperation between the EU, EU Agencies, EU Member States and Belarus, help increase security levels in the region and on the external EU border.
- (5) The action entitled “Strengthening Private Initiative Growth in Belarus (SPRING)” will promote small and medium enterprises as core engine of local and regional growth, improve SME competitiveness, performance and productivity through qualified business advice, support economic initiative, competitiveness and innovation for local inclusive development, including through providing better access to finance for SME and social enterprises to support the implementation of the employment-generating local strategies and action plans.
- (6) The action entitled “Support to the European Humanities University (EHU)” will provide education and training for young Belarusians in an environment of academic and political freedom through the EHU, provide education geared specifically to enabling the target group to develop democratic values in Belarus, contribute to changing social norms and combating stereotypes in relation to gender equality in Belarusian society through education, contribute to the education, housing and subsistence of Belarusian students throughout their studies.
- (7) It is necessary to adopt a financing decision the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012⁵.
- (8) It is necessary to adopt a work programme for grants the detailed rules on which are set out in Article 128(1) of Regulation (EU, Euratom) No 966/2012 and in Article 188(1) of Delegated Regulation (EU) No 1268/2012. The work programme is constituted by the Annex I (sections 5.3.1, 5.3.2 and 5.3.3).
- (9) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in this Decision, subject to the conclusion of a delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that these entities guarantee a level of protection of the financial interests of the Union equivalent to that required when the Commission manages Union funds. These entities comply with the conditions of points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary.
- (10) The European Bank for Reconstruction and Development and International Finance Corporation are currently undergoing the assessment under Regulation (EU, Euratom) No 966/2012. Central Project Management Agency will undergo the ex ante assessment in accordance with Article 61(1) of Regulation (EU, Euratom) No

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).

966/2012 related to grant pillar. In anticipation of the results of this review, the authorising officer responsible deems that, based on the entities' positive assessment under Council Regulation (EC, Euratom) No 1605/2002⁶ and on the long-standing and problem-free cooperation with them, budget-implementation tasks can be entrusted to these entities.

- (11) The authorising officer responsible should be able to award grants without a call for proposals provided that the conditions for an exception to a call for proposals in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012 are fulfilled.
- (12) It is necessary to allow the payment of 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) Pursuant to Article 94(4) of Delegated 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.
- (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 the ENI Regulation,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The Annual Action Programme 2016 in favour of the Republic of Belarus to be financed from the general budget of the European Union, as set out in the Annexes, is approved.

The programme shall include the following actions:

- Annex 1: Technical Cooperation Facility (TCF);
- Annex 2: Helping Belarus Address the Phenomenon of Increasing Numbers of Irregular Migrants from Third Countries;
- Annex 3: Strengthening Private Initiative Growth in Belarus (SPRING);
- Annex 4: Support to the European Humanities University (EHU).

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the programme referred to in Article 1 is set at EUR 29 million and shall be financed from budget lines 22 04 02 01 (EUR 7 million) and 22 04 02 02 (EUR 22 million) of the general budget of the European Union for 2016.

The financial contribution provided for in the first paragraph may also cover interest due for late payment.

⁶ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p.1).

Article 3

Implementation modalities

Budget-implementation tasks under indirect management may be entrusted to the entities identified in the attached Annexes 2, 3 and 4, subject to the conclusion of the relevant agreements.

The section “Implementation” of the Annexes to this Decision 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 authorising officer responsible in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012.

Article 4

Non-substantial changes

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set by the first paragraph of Article 2, 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 94(4) of Delegated Regulation (EU) No 1268/2012, provided that they do not significantly affect the nature and objectives of the actions.

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

Done at Brussels, 20.7.2016

For the Commission

Johannes HAHN

Member of the Commission