EUROPEAN
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COMMISSION IMPLEMENTING DECISION

of 29.4.2014

on a Special measure 2014 in favour of Ukraine to be financed from the general budget of the European 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 action[1], 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 1605/2002[2] , and in particular Article 84(2) thereof,

Whereas:

(1) The European Council Conclusions of 20 March 2014 highlight that cooperation with Ukraine should be treated as a matter of political priority: they recall that "restoring macroeconomic stability in Ukraine is an immediate priority" and that " the Ukrainian government needs to embark swiftly on an ambitious programme of structural reforms, including the fight against corruption and enhancing transparency of all fiscal operations".

(2) To facilitate the implementation of the incentive-based approach set forth in the European Neighbourhood Instrument[3], the Commission establishes multi-country umbrella programmes that supplement the indicative financial allocations for country programmes. In 2014, Ukraine is granted EUR 40 million through this mechanism that offers incentives to countries that make progress towards deep and sustainable democracy; this allocation contributes to the funding of the present special measure 2014 in favour of Ukraine.

(3) In the framework of the fragile situation in Ukraine it was not possible to finalise the multi-annual programming exercise. In order to face the urgent needs related to the transition process in the country the Commission opted for implementing special measure in 2014 .The objective pursued by the special measure to be financed under the European Neighbourhood Instrument is to contribute to the EU support package of short and medium term measures to help stabilise the economic and financial situation in Ukraine, assist with the transition and encourage political and economic reforms, with participation of the civil society. The special measure contains two actions.

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[1] OJ L77, 15.3.2014, p. 95.

[2] OJ L 298, 26.10.2012, p.1.

[3] 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).

(4) One action entitled “State building contract for Ukraine” provides direct financial support to Ukraine in the short-term and supports the transition process with a focus on the fight against corruption, public administration reform and constitutional and electoral law reform. The action will be implemented through budget support.

(5) The second action entitled “Ukraine civil society support programme” promotes civil society engagement and democratic oversight of national reforms. The action will be implemented through grants and service contracts.

(6) This Decision complies with the conditions laid down in Article 94 of 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.

(7) The maximum contribution of the European Union set by this Decision should cover any possible claims for 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.

(8) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of Delegated Regulation (EU) No 1268/2012 to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the 'responsible authorising officer').

(9) 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 Regulation (EU) No 232/2014 ,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The following "Special measure 2014 in favour of Ukraine", constituted by the actions identified in the second paragraph and as set out in Annexes 1 and 2, is approved.

The actions constituting this measure are:

– Annex 1: State building contract for Ukraine;

– Annex 2: Ukraine civil society support programme.

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the special measure in favour of Ukraine for 2014 is set at EUR 242 million[4], and shall be financed from the following lines of the general budget of the European Union for 2014.

(a) budget line 21 03 02 01: EUR 202 million[5];

[4] This amount must include the appropriations corresponding to assigned revenue, if they are available at the time the financing decision is adopted.

[5] This amount must include the appropriations corresponding to assigned revenue, if they are available at the time the financing decision is adopted.

(b) budget line 21 03 03 03: EUR 40 million[6].

Article 3

Implementation modalities

Sections 4 of Annexes 1 and 2 set out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012.

The financial contribution referred to in Article 2 shall also cover any possible interests due for late payment.

Article 4

Non-substantial changes

Increases or decreases of up to EUR 10 million not exceeding 20 % of the contribution referred to in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20 % of that contribution shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the actions.

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

Done at Brussels, 29.4.2014

For the Commission
Štefan FÜLE
Member of the Commission

[6] This amount must include the appropriations corresponding to assigned revenue, if they are available at the time the financing decision is adopted.