



Brussels, 27.6.2024
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COMMISSION IMPLEMENTING DECISION

of 27.6.2024

on the financing of the Ukraine Facility pillar III for 2024 – part II, and the adoption of the second part of the annual work programme of pillar III for 2024

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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) 2024/792² of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility, and in particular Article 38 thereof,

Whereas:

- (1) In order to ensure the implementation of the Ukraine Facility pillar III for 2024 – part II, it is necessary to adopt an annual financing decision, which constitutes the second part of the annual work programme of pillar III, for 2024.
- (2) The envisaged assistance should comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³.
- (3) The work programme provided for in this Decision should contribute to climate and biodiversity mainstreaming in line with Commission Communication ‘The European Green Deal’⁴ and in the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources⁵.
- (4) The objectives pursued by the annual work programme are: to accompany and support the development of institutional capacities of Ukraine’s administration and civil society actors to design, deliver and monitor reforms conducive to Ukraine’s recovery, reconstruction and future Union membership; to contribute to the collection of evidence of crimes committed during the war; and to reinforce collaboration on the protection of the financial interests of the Union.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L, 29.2.2024, p.1.

³ 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.

⁴ COM(2019)640 final of 11 December 2019.

⁵ OJ L 433I, 22.12.2020, p. 28.

- (5) The action entitled ‘Technical Cooperation Facility for Ukraine 2024’ aims to support Ukraine’s progressive alignment to the EU acquis with a view to future EU membership, as well as the implementation of the Ukraine Plan, while strengthening the country’s resilience and capacity to respond to the impacts generated by Russia’s war of aggression. The action entitled ‘EU contribution for the year 2024 to the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine’ aims to secure compliance with the financial requirements linked to membership for the year 2024. The action entitled ‘Functioning of the Audit Board of the Ukraine Facility’ aims to ensure that the Board is operational and fully equipped.
- (6) 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. Where such contributions are not denominated in euro, a reasonable estimate of conversion should be made.
- (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 62(1), point (c) of the Financial Regulation, indirect management is to be used for the implementation of the work programme.
- (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.
- (10) 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 Regulation⁶ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (11) 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.
- (12) In order to allow for flexibility in the implementation of the work programme, it is appropriate to determine the changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Ukraine Facility Committee.

HAS DECIDED AS FOLLOWS:

Article 1
The work programme

The annual financing decision, constituting the second part of the annual work programme for the implementation of the Ukraine Facility pillar III for 2024, as set out in the annexes, is adopted.

The work programme shall include the following actions:

⁶ Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide not to require an ex-ante assessment.

- (a) Technical Cooperation Facility for Ukraine 2024, set out in Annex I;
- (b) EU contribution for the year 2024 to the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine, set out in Annex II;
- (c) Functioning of the Audit Board of the Ukraine Facility, set out in Annex III.

Article 2
Union contribution

The maximum Union contribution for the implementation of the work programme for 2024 is set at EUR 155 000 000,00, and shall be financed from the appropriations entered in budget line 16 06 03 01 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 Annex I, 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 Annex I.

Article 4
Flexibility clause

Cumulated changes to the allocations to specific actions not exceeding 20% of the maximum Union contribution set in Article 2, first paragraph, of this Decision shall not be considered to be substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046, where those changes do not significantly affect the nature of the actions and the objective of the work programme. The increase of the maximum Union contribution set in Article 2, first paragraph, of this Decision shall not exceed 20%.

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 Annex I. Grants may be awarded to the bodies referred to in Annex I, selected in accordance with point 4.3.1.1 of Annex I.

Done at Brussels, 27.6.2024

For the Commission
Olivér VÁRHELYI
Member of the Commission