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COMMISSION IMPLEMENTING DECISION

of 9.3.2022

**on the financing of the Technical Support Instrument and adoption of the work
programme for 2022**

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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) 2018/1046 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 966/2012¹, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument², and in particular Article 12(6) thereof,

Whereas:

- (1) In order to ensure the implementation of the Technical Support Instrument, 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) In accordance with Article 9(1) of Regulation (EU) 2021/240, Member States submitted their requests for technical support by 31 October 2021. The Commission assessed those requests in accordance with the rules established in that Regulation.
- (3) In accordance with Article 9(4) of Regulation (EU) 2021/240, additional dedicated calls may be organised in the course of 2022 in response to specific emerging needs of Member States, to select requests from Member States for support measures.
- (4) Additionally, in accordance with Article 12(7) of Regulation (EU) 2021/240, special measures may be adopted to provide technical support to national authorities in addressing urgent needs, based on a Member State request submitted in the event of unforeseen and duly justified grounds of urgency requiring an immediate response, including a serious disturbance in the economy or significant circumstances seriously affecting the economic, social or health conditions pertaining to that Member State and going beyond its control. Such special measures should be interim in nature and linked to the circumstances laid down in Article 9(3) of that Regulation.

¹ OJ L 193, 30.7.2018, p. 1

² OJ L 57, 18.2.2021, p. 1

- (5) The envisaged support is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (6) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (7) Pursuant to Article 62(1)(c) of the Financial Regulation, indirect management is to be used for the implementation of the programme.
- (8) 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. 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) of the Financial Regulation before a contribution agreement can be signed.
- (9) 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.
- (10) In order to allow for flexibility in the implementation of the work programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation,

HAS DECIDED AS FOLLOWS:

Article 1
The work programme

The annual financing decision, constituting the annual work programme for the implementation of the Technical Support Instrument for the year 2022, as set out in the Annex, is adopted.

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme for 2022 is set at EUR 116 837 248.29, and shall be financed from the appropriations entered in the budget line 06.02.02.00 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, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4 of Part II of that Annex.

Article 4
Flexibility clause and special measures

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

In accordance with Article 12(7) of Regulation (EU) 2021/240, a limited part of the maximum Union contribution referred to in the first paragraph of Article 2 of this Decision, not exceeding 10% thereof, may serve to finance special measures in the event of unforeseen and duly justified grounds of urgency requiring an immediate response, including a serious disturbance in the economy or significant circumstances seriously affecting the economic, social or health conditions in a Member State, which go beyond its control, under any of the means of implementation identified in the Annex. This shall not be considered to be a substantial change for the purposes of Article 110(5) of the Financial Regulation.

A limited part of the amount set out in Article 2, not exceeding 10% thereof, may be used for additional dedicated calls in accordance with Article 9(4) of Regulation (EU) 2021/240, pursuant to which the Commission shall organise additional dedicated calls for requests in response to specific emerging needs of Member States, such as for the submission of requests linked to the preparation, amendment and revision of recovery and resilience plans pursuant to Regulation (EU) 2021/241 and the implementation thereof undertaken by Member States. The related support may be implemented under any of the means of implementation identified in the Annex. This shall not be considered to be a substantial change for the purposes of Article 110(5) of the Financial Regulation.

The authorising officer responsible may apply the changes referred to in the first, second and third paragraphs of this Article. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Where the Annex provides for the possibility to implement the actions through an alternative management mode, a transfer of the corresponding allocation from one mode to another shall not be taken into account for the purposes of this Article.

Article 5
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 referred to in the Annex or selected in accordance with point 2 of Part II of the Annex.

Done at Brussels,

For the Commission
Elisa FERREIRA
Member of the Commission