



Brussels, 20.3.2023
C(2023) 1786 final

COMMISSION IMPLEMENTING DECISION

of 20.3.2023

**on the financing of the Technical Support Instrument and the adoption of the work
programme for 2023**

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument¹, and in particular Article 12(6) thereof,

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 966/2012², and in particular Article 110 thereof,

Whereas:

- (1) In order to ensure the implementation of the Technical Support Instrument on the basis of Member States' requests for 2023, an annual financing decision, which constitutes the annual work programme, should be adopted in accordance with the rules of Regulation (EU, Euratom) 2018/1046.
- (2) In that respect, Member States submitted their requests for technical support by 31 October 2022 in accordance with Article 9(1) of Regulation (EU) 2021/240. 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 for requests for support measures may be organised in the course of 2023 in response to specific emerging needs of Member States.
- (4) Pursuant to Article 12(7) of Regulation (EU) 2021/240, the Commission may also adopt special measures 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, they should end within six months of their adoption and may be replaced by technical support in accordance with the conditions set out in Article 9 of that Regulation. A limited part of the work programme, not exceeding 30% of the yearly allocation, shall be reserved for special measures.

¹ OJ L 57, 18.2.2021, p. 1

² OJ L 193, 30.7.2018, p. 1.

- (5) The envisaged assistance should comply with the conditions and procedures set out by the restrictive measures³ adopted pursuant to Article 215 TFEU.
- (6) The work programme 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 resources.⁵
- (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, which should be set out in this Decision.
- (8) It is appropriate to implement the programme by indirect management pursuant to Article 62(1), point (c), of Regulation (EU, Euratom) 2018/1046. The Commission should ensure a level of protection of the financial interests of the Union with regards to entities and persons that are entrusted with the implementation of Union funds by indirect management in accordance with the criteria set out in this Decision, as provided for in Article 154(3) of Regulation (EU, Euratom) 2018/1046. 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 Regulation (EU, Euratom) 2018/1046⁶ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 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 Regulation (EU, Euratom) 2018/1046.
- (10) In order to allow for flexibility in the implementation of the work programme, it is appropriate to determine that the changes to the allocations to specific actions not exceeding 20% of the maximum Union contribution as set this Decision should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046,

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 2023, as set out in the Annex, is hereby adopted.

³ See www.sanctionsmap.eu

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

⁵ OJ L 433I, 22.12.2020, p. 28.

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.

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme for 2023 is set at EUR 119 693 156.59, and shall be financed from the appropriations entered in 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 the 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 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.

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 methods of implementation identified in the Annex. This shall not be considered to be a substantial change for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.

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. The related support may be implemented under any of the methods of implementation identified in the Annex. This shall not be considered to be a substantial change for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.

The authorising officer responsible may implement the changes referred to in the first, second and third paragraphs. The actions resulting from those changes shall be implemented 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 method of implementation or form of intervention, a transfer of the corresponding allocation from one method or 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, 20.3.2023

For the Commission

Elisa FERREIRA

Member of the Commission