



EUROPEAN COMMISSION

Brussels, 02.07.2010
C(2010)4400

COMMISSION DECISION
of 02.07.2010

**on the ENPI Interregional Action Programme 2010 Part II to be financed under Articles
19 08 01 01 and 19 08 01 03 of the general budget of the European Union**

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on the ENPI Interregional Action Programme 2010 Part II to be financed under Articles 19 08 01 01 and 19 08 01 03 of 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 (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI)¹, and in particular Article 12 thereof,

Whereas:

- (1) The Commission has issued a Communication on Strengthening the European Neighbourhood Policy² which includes the proposal for a Neighbourhood Investment Facility.
- (2) The Commission has adopted a revised ENPI Interregional Programme Strategy Paper 2007-2013³ and the Multiannual Indicative Programme for the period 2007-2010⁴, priority 5 of which provides for "Promoting Investment Projects in ENP Partner Countries".
- (3) The objective pursued by the Action Programme is to implement the Neighbourhood Investment Facility (NIF).
- (4) The present decision constitutes a financing decision within the meaning of Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget⁵ (hereafter 'the Financial Regulation') and Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget⁶ (hereafter 'the Implementing Rules').
- (5) The maximum contribution of the European Union set by the present decision should cover any possible claims for interest due for late payment on the basis of Articles 83 of the Financial Regulation and 106(5) of its Implementing Rules.

¹ OJEU L 310, 9.11.2006, p. 1

² COM(2006)726 final

³ C(2010)1144 of 02.03.2010

⁴ C(2007)6122 of 12.12.2007

⁵ OJ L 248 of 16.09.2002 p. 1.

⁶ OJ L 357 of 31.12.2002, p.1.

- (6) The Commission is required to define the term “substantial change” in the meaning of Article 90 (4) of the Implementing Rules to ensure that any substantial change in this decision shall follow the same procedure as the initial decision.
- (7) In case of use of indirect centralised management for the implementation of the NIF, the Commission will ensure that the management system set up by the entities to which the Commission will entrust implementation of EU funds complies with the conditions for the delegation of tasks under indirect centralised management, as provided for in Article 56(1) of the Financial Regulation and Article 35 of its Implementing Rules with regard to the actions implemented under indirect centralised management.
- (8) The measures provided for in this decision are in accordance with the opinion of the ENPI Committee set up under Article 26 of Regulation (EC) No 1638/2006,

HAS DECIDED AS FOLLOWS:

Article 1

The ENPI Interregional Action Programme 2010 Part II, constituted by the action "Neighbourhood Investment Facility", the text of which is set out in the attached Annex, is approved.

Article 2

The maximum contribution of the European Union to the Annual Action Programme is set at EUR 85 million to be financed from budget lines 19 08 01 01 (EUR 45 million) and 19 08 01 03 (EUR 40 million) of the general budget of the European Union for 2010.

This maximum contribution shall also cover any possible interests due for late payment.

Article 3

Cumulated changes of the allocations to the specific actions not exceeding 20% of the maximum contribution of the European Union shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the Annual Action Programme. This may include an increase of the maximum contribution of the European Union up to 20%.

The relevant authorising officer may amend the present Decision to introduce non substantial changes to the Annual Action Programme in accordance with the principles of sound financial management.

Article 4

Indirect centralised management will only be used for the implementation of the NIF provided that the management system(s) set up by the entity(ies) to which the Commission will entrust implementation of EU funds complies(y) with the conditions for the delegation of tasks under

indirect centralised management, as foreseen in Articles 56(1) of the Financial Regulation and Article 35 of its Implementing Rules. The related financial implementation of tasks could thus be entrusted to this(ese) entity(es).

Article 5

Joint management will be used to delegate implementation of tasks to international organisations. Only the European Investment Bank (EIB), the European Bank for Reconstruction and Development (EBRD), the Council of Europe Development Bank (CEB) and the Nordic Investment Bank (NIB) are concerned by this management mode. EIB, EBRD, CEB and NIB are currently subject to an external review in relation to Article 53d of the Financial Regulation. In anticipation of the results of this review the authorising officer deems that, based on the long-standing and problem free cooperation with these organisations, the joint management mode can be proposed and the Standard Convention for International Organisations can be signed in accordance with the provisions laid down in Article 43 of the Implementing Rules to the Financial Regulation.

Done at Brussels, 02.07.2010

For the Commission
Štefan Füle
Member of the Commission

ANNEX

Neighbourhood Investment Facility (NIF)