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**COMMISSION IMPLEMENTING DECISION**

**of 11.3.2013**

**on the ENPI Interregional Action Programme 2013 part II to be financed from the  
general budget of the European Union**

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**on the ENPI Interregional Action Programme 2013 part II to be financed from 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)<sup>1</sup>, and in particular Article 12 thereof,

Whereas:

- (1) In 2006, the Commission has issued a Communication on Strengthening the European Neighbourhood Policy<sup>2</sup> which includes the proposal for a Neighbourhood Investment Facility.
- (2) The Commission has adopted a revised ENPI Interregional Programme Strategy Paper 2007-2013 and Multiannual Indicative Programme for the period 2011-2013<sup>3</sup>, priority 4 of which provides for "Promoting investment projects in European Neighbourhood Policy Partner Countries", the scope of which covers the Neighbourhood Investment Facility.
- (3) The objective pursued by the ENPI Interregional Action Programme 2013 Part II is to implement the Neighbourhood Investment Facility (NIF).
- (4) The present Decision constitutes a Financing Decision within the meaning of Article 84 of the Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the Financial Regulation applicable to the general budget<sup>4</sup> and Article 94 of Commission Delegated Regulation No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>5</sup>.
- (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 92 of the Financial Regulation (Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council) and 111 of its Rules of Application (Commission Delegated Regulation No 1268/2012).
- (6) The Commission is required to define the term "substantial change" in the meaning of Article 94(4) of the Rules of Application (Commission Delegated Regulation No 1268/2012) to ensure that any substantial change in this Decision shall follow the same procedure as the initial Decision.

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<sup>1</sup> OJEU L 310, 9.11.2006, p. 1

<sup>2</sup> COM(2006)726 final

<sup>3</sup> C(2010)1144

<sup>4</sup> OJ L 298 of 26.10.2012 p. 1.

<sup>5</sup> OJ L 362 of 31.12.2012, p.1.

- (7) The Commission has ensured that the management systems set up by the entities to which the Commission will entrust implementation of EU funds under the NIF comply with the conditions for the delegation of tasks under indirect centralised management, as provided for in Articles 56(1) of the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget and Article 35 of its Implementing Rules - 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 budget.
- (8) The Commission has ensured that the management systems set up by the entities to which the Commission will entrust implementation of EU funds under NIF comply with the conditions for the delegation of tasks under joint management, as provided for in Articles 53d of the Council Regulation (EC Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget and Article 43 of its Implementing Rules - 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 budget.
- (9) 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 2013 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 ENPI Interregional Action Programme 2013 Part II is set at EUR 200 million to be financed from budget lines 19 08 01 01 (EUR 133.3 million) and 19 08 01 03 (EUR 66.7 million) of the general budget of the European Union for 2013.

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 ENPI Interregional Action Programme 2013 Part II. 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 ENPI Interregional Action Programme 2013 Part II in accordance with the principles of sound financial management.

#### *Article 4*

Indirect centralised management will only be used for the implementation of the Neighbourhood Investment Facility provided that the management system set up by the

entity(ies) to which the Commission will entrust implementation of EU funds complies with the conditions for the delegation of tasks under indirect centralised management, as foreseen in Articles 56.1 of the Council Regulation (EC Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget and Article 35 of its Implementing Rules - 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 budget. The related financial implementation of tasks could thus be entrusted to this(ese) entity(ies).

#### *Article 5*

The management systems set up by the entities to which the Commission will entrust implementation of EU funds under the NIF complies with the conditions for the delegation of tasks under joint management. The financial implementation of tasks related to this action can thus be entrusted to these entites.

Done at Brussels, 11.3.2013

*For the Commission*  
*Štefan FÜLE*  
*Member of the Commission*