



Brussels, 16.12.2019
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COMMISSION IMPLEMENTING DECISION

of 16.12.2019

on the Special Measures in favour of the Republic of Belarus for 2019

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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) 1046/2018 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) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action², and in particular Article 2(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the Special Measures in favour of the Republic of Belarus for 2019, it is necessary to adopt a annual financing Decision, which constitutes the annual work programme, for 2019. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing Decisions.
- (2) The envisaged assistance is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 of the Treaty on the Functioning of the European Union (TFEU)³.
- (3) In the framework of ongoing negotiations on EU-Belarus Partnership Priorities, agreed on substance but not on final language, it is not possible to adopt the multi-annual programming document, the Single Support Framework for 2018-2020. In its absence, three actions are proposed as Special Measures on the basis of Article 2(1), third paragraph, of Regulation (EU) No 236/2014.
- (4) The objectives pursued by the Special Measures to be financed under the European Neighbourhood Instrument⁴ are to support new concepts for regional development in Belarus, introduce changes to parts of Belarus legal sector in line with international

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 77, 15.3.2014, p. 95.

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 Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

commitments and the Sustainable Development Goals and to continue the financial contribution to the European Humanities University.

- (5) The action entitled ‘Belarus Regional Investment and Competitiveness Programme (BRIC)’ aims to contribute to more effective public policies to improve economic growth and employment in the regions and districts and reduce geographical and social disparity.
- (6) The action entitled ‘Improvement of National Mechanisms for Achieving Sustainable Development Goals in Legal Sphere (EU – BY Legal Co-operation)’ aims to introduce changes to several parts of Belarus’ legal sector with the aim to better guarantee the rights of its citizens and improve the delivery of public services.
- (7) The action entitled ‘Support to the European Humanities University - Phase IV’ aims to support the European Humanities University (EHU), a Belarusian university in exile in Vilnius, for the academic years 2019/2020 and 2020/2021.
- (8) It is appropriate to authorise the award of grants without a call for proposals, pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046.
- (9) Pursuant to Article 4(7) of Regulation (EU) No 236/2014, indirect management is to be used for the implementation of the programme.
- (10) 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 Regulation (EU, Euratom) 2018/1046.
- (11) 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 Regulation (EU, Euratom) 2018/1046 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.
- (12) 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.
- (13) In order to allow for flexibility in the implementation of the programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.
- (14) The measures provided for in this Decision are in accordance with the opinion of the European Neighbourhood Instrument Committee established under Article 15 of the financing instrument referred to in recital 4.

HAS DECIDED AS FOLLOWS:

Article 1
The measures

The Special Measures in favour of the Republic of Belarus for 2019, as set out in the Annexes, and the financing decision are adopted.

The Measures shall include the following actions:

- (a) Annex I: Belarus Regional Investment and Competitiveness Programme (BRIC);

- (b) Annex II: Improvement of National Mechanisms for Achieving Sustainable Development Goals in Legal Sphere (EU – BY Legal Co-operation);
- (c) Annex III: Support to the European Humanities University - Phase IV.

Article 2
Union contribution

The maximum Union contribution for the implementation of the Measures for 2019 is set at EUR 31 million, and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- (a) budget line 22 04 02 01: EUR 10 million;
- (b) budget line 22 04 02 02: EUR 21 million.

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 Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5.3.2 of Annex I; points 5.3.1 and 5.3.2 of Annex II; and point 5.3.1 of Annex III.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution, as well as extensions of the implementation period shall not be considered substantial within the meaning of Article 110(5) of Regulation (EU, Euratom) 2018/1046, where these changes do not significantly affect the nature and objectives of the actions.

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 pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046 to the bodies referred to in point 5.3.1 of Annex I.

Done at Brussels, 16.12.2019

For the Commission
Olivér VÁRHELYI
Member of the Commission