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COMMISSION IMPLEMENTING DECISION

of 3.8.2020

**on adopting a Special Measure on the Continuation of Support to the Response Capacity
of the Republic of Serbia to Manage Effectively Mixed Migration Flows**

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on adopting a Special Measure on the Continuation of Support to the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows

THE EUROPEAN COMMISSION,

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

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 of the implementation of the Union's instruments for financing external action¹ and in particular Article 2(1) 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 a Special Measure on the Continuation of Support to the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows, it is necessary to adopt an annual financing decision for year 2020. 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 TFEU³.
- (3) Regulation (EU) No 231/2014⁴ lays down the objectives and main principles for pre accession assistance to beneficiaries listed in Annex I to that Regulation.
- (4) In accordance with Article 7 of Regulation (EU) No 231/2014 the assistance should be usually implemented through annual or multi-annual, country-specific or multi-country programmes. Considering the proposals for action submitted by the beneficiaries concerned, the Special Measure on the Continuation of Support for the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows is considered an appropriate tool. The action will enhance shelter capacity and

¹ OJ L 77, 15.3.2014, p. 95.

² OJ L 193, 30.7.2018, p.1.]

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 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (OJ L 77, 15.03.2014, p. 11).

delivery of services especially during the outbreak of the Covid-19, a public health emergency of international concern.

- (5) It is appropriate to authorise the award of grants without a call for proposals, pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046.
- (6) Pursuant to Article 4(7) of Regulation (EU) 236/2014, indirect management is to be used for the implementation of this measure.
- (7) 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.
- (8) 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.
- (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 measure, 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.
- (11) The measure provided for by this Decision is in accordance with the opinion of the IPA II Committee set up by Article 13 of Regulation (EU) No 231/2014⁵,
- (12)

HAS DECIDED AS FOLLOWS:

Article 1

The measure

The annual financing decision, constituting a Special Measure on the Continuation of Support for the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows, as set out in the Annex, is adopted.

The measure includes the following action:

“Continuation of Support to the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows”, set out in the Annex.

Article 2

Union contribution

The maximum Union contribution for the implementation of the special measure referred to in Article 1 is set at EUR 11,800,000 and shall be financed from the appropriations entered in the budget line 22.02.01.01 of the general budget of the Union.

⁵ The Member States have declared, recalling the Council Conclusions of 18 February 2008, that the adoption of this programme does not prejudice the position of each individual Member State on the status of Kosovo, which will be decided in accordance with their national practice and international law.

The appropriations provided for in the first sub-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 the Annex.

Article 4

Flexibility clause

The following changes shall not be considered substantial, within the meaning of Article 110(5) of Regulation (EU, Euratom) 2018/1046, provided that they do not significantly affect the nature and objectives of the actions:

- a) increases or decreases for not more than 20% of the maximum contribution set in the first paragraph of Article 2, and not exceeding EUR 10 million;
- b) cumulated reassignments of funds between specific actions not exceeding 20% of the maximum contribution set in the first paragraph of Article 2;
- c) extensions of the implementation and closure period.

The authorising officer responsible may adopt such non-substantial changes 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 the Annex.

Done at Brussels, 3.8.2020

For the Commission
Olivér VÁRHELYI
Member of the Commission