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**COMMISSION IMPLEMENTING DECISION**

**of 9.3.2023**

**on the financing of the individual measure in favour of EU foreign policy needs on support to a strengthened capacity for an integrated national governance of the mine action sector in Ukraine**

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**on the financing of the individual measure in favour of EU foreign policy needs on support to a strengthened capacity for an integrated national governance of the mine action sector in Ukraine**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union (TFEU),

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 966/2012<sup>1</sup>, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009<sup>2</sup>, and in particular Article 23(2) thereof,

Whereas:

- (1) In order to ensure the implementation of this individual measure in favour of EU foreign policy needs on support to a strengthened capacity for an integrated national governance of the mine action sector in Ukraine, it is necessary to adopt a financing decision, which constitutes the work programme, for 2023. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (2) The individual measure is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU<sup>3</sup>.
- (3) The action provided for in this Decision contributes to climate mainstreaming in line with the European Green Deal and the inter-institutional agreement.
- (4) The objectives pursued by the individual measure to be financed under the Regulation (EU) 2021/947 are to enable the Union to address short and medium-term foreign policy needs and opportunities by supporting innovative policies/initiatives and by deepening the Union's relations and dialogues, forging alliances and partnerships, and supporting the achievement of the EU's foreign policy priorities in relation to urgent or imperative engagement in the field of supporting the national mine action sector of Ukraine.

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<sup>1</sup> OJ L 193, 30.7.2018, p.1.

<sup>2</sup> OJ L 209, 14.6.2021, p.1.

<sup>3</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu). 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, the OJ prevails.

- (5) The action entitled ‘Strengthened Capacity for Integrated National Governance of the Mine Action Sector’ aims to enable the EU to support Ukraine’s reconstruction, by strengthening its integrated national mine action governance capabilities. The rapid response action is justified by the imperative foreign policy interest for the Union to quickly respond to emerging foreign policy needs.
- (6) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (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 the Financial Regulation.
- (8) To this end, these entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation<sup>4</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof 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 the Financial Regulation.
- (10) In order to allow for flexibility in the implementation of the individual measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (11) The individual measure provided for in this Decision does not fall within the categories of measures for which the prior opinion of the Committee is required. The European Parliament and Committee established under Article 45 of Regulation (EU) 2021/947 should be informed of this Decision within one month following its adoption.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The individual measure*

The financing decision, constituting an individual measure for the implementation of the EU foreign policy needs on a strengthened capacity for an integrated national governance of the mine action sector in Ukraine, as set out in the Annex, is adopted.

The individual measure shall include the following action: ‘Strengthened Capacity for Integrated National Governance of the Mine Action Sector in Ukraine’, as set out in the Annex.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the individual measure for 2023 is set at EUR 2 500 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union : 14 02 03 30 – Foreign Policy Needs of the general budget of the Union.

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<sup>4</sup> 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.

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 4.3 of the Annex.

### *Article 4*

#### *Flexibility clause*

Increases or decreases of up to EUR 10 000 000 and not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes<sup>5</sup> 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 for the purposes of Article 110(5) of the Financial Regulation (provided that 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.

Done at Brussels, 9.3.2023

*For the Commission*

*Josep BORRELL FONTELLES*

*High Representative / Vice-President*

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<sup>5</sup> These changes can come from assigned revenue made available after the adoption of the financing decision.