

Brussels, 17.12.2014
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COMMISSION IMPLEMENTING DECISION

of 17.12.2014

**adopting a special measure on flood recovery and flood risk management in Albania,
Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo^{*},
Montenegro, the Republic of Serbia and Turkey**

^{*} This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

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adopting a special measure on flood recovery and flood risk management in Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo^{*}, Montenegro, the Republic of Serbia and Turkey

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) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002² and in particular Article 84(2) thereof,

Whereas:

- (1) Regulation (EU) No 231/2014 of the European Parliament and of the Council³ lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex I to that Regulation.
- (2) Regulation (EU) No 236/2014 lays down the rules and conditions for special measures under the Instrument for Pre-Accession Assistance (IPA II).
- (3) In May 2014, severe floods hit entire regions of Bosnia and Herzegovina and the Republic of Serbia, resulting in several dozens of casualties in both countries, causing the destruction of public and private infrastructure, as well as hitting hundreds of thousands of households. Damages and economic losses amount to around EUR 2 billion in Bosnia and Herzegovina and EUR 1.5 billion in the Republic of Serbia.
- (4) This special measure on flood recovery and flood risk management aims at providing assistance to those two countries in order to help them to recover from the floods. It also supports actions that help all the IPA II beneficiaries except Iceland to better prevent and respond to floods;
- (5) It is necessary to adopt a financing decision, the detailed rules for which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012.⁴

^{*} This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

¹ OJ L 77, 15.03.2014, p. 95.

² OJ L 298, 26.10.2012, p.1.

³ Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) (OJ L 77, 15.03.2014, p. 11).

⁴ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

- (6) The Commission should be able to entrust budget-implementation tasks under indirect management to the entities specified in this Decision, subject to the conclusion of a delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that these entities guarantee a level of protection of the financial interests of the Union equivalent to that required when the Commission manages Union funds.
- (7) The Gesellschaft fuer Internationale Zusammenarbeit (GIZ), the United Nations Operations and Services (UNOPS), the Austrian Development Agency (ADA), the World Bank (WB) and the Food and Agriculture Organisation of the United Nations (FAO) are currently undergoing the assessment under Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the authorising officer responsible deems that, based on the entities' positive assessment under Regulation (EU, Euratom) No 1605/2002 and on the long-standing and problem-free cooperation with them, budget-implementation tasks can be entrusted to these entities.
- (8) It is appropriate to authorise the award of grants without a call for proposals to the bodies identified in the Annex and for the reasons provided therein.
- (9) The maximum contribution of the Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.
- (10) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (11) The measures provided for by this Decision are in accordance with the opinion of the IPA II Committee set up by Article 13 of Regulation (EU) No 231/2014,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the Special Measure

The Special Measure on Flood Recovery and Flood Risk Management under the Instrument for Pre-accession Assistance (IPA II) as set out in the Annex, is hereby approved.

Article 2

Financial contribution

The maximum amount of the European Union contribution for the implementation of the special measure referred to in Article 1 is set at EUR 127 000 000 and shall be financed as follows:

- (a) EUR 123 million from the budget line 22.02.01.02 of the general budget of the Union for year 2014;
- (b) EUR 4 million from the budget line 22.02.04.01 of the general budget of the Union for year 2014.

The financial contributions referred to in the first sub-paragraph may also cover interest due for late payment.

Article 3

Implementation modalities

This programme shall be implemented by direct and indirect management.

The budget implementation tasks under indirect management may be entrusted to the entities identified in the Annex subject to the conclusion of the relevant agreements.

A Financing Agreement shall be concluded between the Commission and the Government of the Republic of Serbia in conformity with the Framework Agreement concluded between the same parties.

A Financing Agreement shall be concluded between the Commission and Bosnia and Herzegovina in conformity with the Framework Agreement concluded between the same parties.

Article 4

Grants without a call for proposals

Grants may be awarded without a call for proposals to the bodies identified in the Annex, in accordance with the conditions specified therein.

Article 5

Non-substantial changes

The following changes shall not be considered substantial 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;
- (d) within the limits of 20% referred to in points (a) and (b) above, up to 5% of the contribution referred to in the first paragraph of Article 2 of this financing decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 17.12.2014

For the Commission
Johannes HAHN
Member of the Commission