



Brussels, **XXX**
[...] (2019) **XXX** draft

COMMISSION IMPLEMENTING DECISION

of XXX

on the financing of Union Actions in the framework of the Asylum, Migration and Integration Fund and the adoption of the work programme 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) 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 966/2012¹, and in particular Article 110 thereof,

Having regard to Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management², and in particular Article 6 and Article 8 thereof,

Having regard to Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC³, and in particular Article 14(4) and Article 20 thereof,

Whereas:

- (1) In order to ensure the implementation of Union actions, it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2019. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (2) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (3) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (4) Indirect management as referred to in Article 62(1)(c) of the Financial Regulation is to be used for the implementation of the programme.
- (5) 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. To this end, such entities and persons are to be subject to an assessment of

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 150, 20.5.2014, p. 112.

³ OJ L 150, 20.5.2014, p. 168.

their systems and procedures in accordance with Article 154(4) of the Financial Regulation⁴ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.

- (6) 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.
- (7) In order to allow for flexibility in the implementation of the work programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (8) The United Kingdom and Ireland are subject to the application of Regulation (EU) No 516/2014. As a consequence, those Member States are taking part in the adoption of this Decision and are bound by it and subject to its application.
- (9) Denmark is not bound by Regulation (EU) No 516/2014 nor subject to its application. As a consequence, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (10) The measures provided for in this Decision are in accordance with the opinion of the committee established by Article 59(1) of Regulation (EU) No 514/2014,

HAS DECIDED AS FOLLOWS:

Article 1
The work programme

The annual financing decision, constituting the work programme for 2019 for the implementation of the Union actions in the framework of the Asylum, Migration and Integration Fund, as set out in the Annex, is adopted.

Article 2

The maximum Union contribution for the implementation of the work programme for 2019 is set at EUR 58 320 000, and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- (a) budget line 18 03 01 01: EUR 12 533 000;
- (b) budget line 18 03 01 02: EUR 45 787 000;

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 of that Annex.

⁴ Except for the cases of Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

Article 4
Flexibility clause

Cumulated changes to the allocations to specific actions not exceeding 20% of the maximum Union contribution set in the first paragraph of Article 2 of this Decision shall not be considered to be substantial for the purposes of Article 110(5) of the Financial Regulation, where those changes do not significantly affect the nature of the actions and the objective of the work programme. The increase of the maximum Union contribution set in the first paragraph of Article 2 of this Decision shall not exceed 20%.

In implementing this Decision 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 may be awarded without a call for proposals in accordance with the conditions set out in the Annex. Grants may be awarded to the bodies referred to in the Annex.

Done at Brussels,

For the Commission
Dimitris AVRAMOPOULOS
Member of the Commission