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COMMISSION IMPLEMENTING DECISION

of **XXX**

**on the financing of Union Actions in the framework of the Internal Security Fund -
Borders and Visa and the adoption of the work programme for 2019**

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on the financing of Union Actions in the framework of the Internal Security Fund - Borders and Visa and the adoption of the work programme for 2019

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 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC, and in particular Article 5(4) and Article 13 thereof,

Whereas:

- (1) In order to ensure the implementation of Union actions, it is necessary to adopt a annual financing decision, which constitutes the 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) Pursuant to Article 62(1)(c) of the Financial Regulation indirect management is to be used for the implementation of the programme.
- (4) 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 their systems and procedures in accordance with Article 154(4) of the Financial Regulation³ and, if necessary, to appropriate supervisory measures in accordance with

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 150, 20.5.2014, p. 112.

³ 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 154(5) of the Financial Regulation before a contribution agreement can be signed.

- (5) 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.
- (6) In order to allow for flexibility in the implementation of the work programme for 2019, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC⁴. The United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/⁵. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (9) This Decision constitutes a development of the provisions of the Schengen *acquis*; Denmark notified the implementation of Regulation (EU) No 515/2014 in its national law in accordance with Article 4 of the Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community. Denmark is therefore bound under international law to implement this Decision.
- (10) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*⁶, which fall within the areas referred to in Article 1, Point B of Council Decision 1999/437/EC⁷.
- (11) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁸, which fall within the area referred to in Article 1, Point B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁹.

⁴ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁵ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁶ OJ L 176, 10.7.1999, p.36.

⁷ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁸ OJ L 53, 27.2.2008, p. 52.

⁹ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

- (12) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*¹⁰, which fall within the area referred to in Article 1, Point B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU¹¹.
- (13) The measures provided for in this Decision are in accordance with the opinion of the 'Asylum, Migration and Integration and Internal Security Funds' Committee established by Article 59(1) of Regulation (EU) No 514/2014,

HAS DECIDED AS FOLLOWS:

Article 1
The work programme for 2019

The annual financing decision, constituting the work programme for 2019 for the implementation of the Union actions in the framework of the Internal Security Fund – Borders and Visa, as set out in the Annex, is adopted.

Article 2
Union contribution

The maximum Union contribution for the implementation of the work programme for 2019 is set at EUR 4 380 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union: budget line 18 02 01 01 Internal Security Fund – support of borders management and a common visa policy to facilitate legitimate travel.

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 3 of that Annex.

¹⁰ OJ L 160, 18.6.2011, p. 21.

¹¹ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

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 in accordance with the principles of sound financial management and proportionality.

Done at Brussels,

For the Commission
Dimitris AVRAMOPOULOS
Member of the Commission