



Brussels, 14.12.2023
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COMMISSION IMPLEMENTING DECISION

of 14.12.2023

**on the financing of the annual action plan in favour of the Neighbourhood Investment
Platform (NIP) East for 2023**

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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) 2018/1046¹ 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, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947² 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, and in particular Article 23(2), thereof,

Whereas:

- (1) In order to ensure the implementation of the Neighbourhood Investment Platform (NIP) East for 2023, it is necessary to adopt an annual financing Decision, which constitutes the annual work programme, for 2023.
- (2) The envisaged assistance should comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³.
- (3) The action plan provided for in this Decision should contribute to climate and biodiversity mainstreaming in line with Commission Communication ‘The European Green Deal’⁴ and in the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources⁵.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 209, 14.6.2021, 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.

⁴ 640 final of 11 December 2019.

⁵ OJ L 433I, 22.12.2020, p. 28.

- (4) The Commission has adopted the Multiannual Indicative Programme for the Neighbourhood East Region⁶ for the period 2021-2027, which sets out the following priorities: 1: Resilient, sustainable and integrated economies; 2: Accountable institutions, the rule of law and security; 3: Environmental and climate resilience; 4. Resilient digital transformation; 5: Resilient, gender equal, fair and inclusive societies.
- (5) The objectives pursued by the multiannual action plan to be financed under the Neighbourhood East regional programme of Regulation (EU) 2021/947 should contribute to 1: Resilient, sustainable and integrated economies; 2: Accountable institutions, the rule of law and security; 3: Environmental and climate resilience; 4. Resilient digital transformation; 5: Resilient, gender equal, fair and inclusive societies.
- (6) The action entitled ‘Neighbourhood Investment Platform (NIP) – 2023 East’ (Annex I) aims at mobilising investments in line with the Economic and Investment Plan (EIP) and its country flagships. Priority investments will indicatively be in transport and energy infrastructures, environment, with a particular focus on climate change mitigation and adaptation, as well as private sector development in Eastern Partner Countries, as identified in the EIP.
- (7) Furthermore, in order to ensure the implementation of budgetary guarantees of the European Fund for Sustainable Development Plus (EFSD+), eligible under the Neighbourhood, Development and International Cooperation Instrument – Global Europe⁷, it is appropriate to provision the EFSD+ compartment of the Common Provisioning Fund with a contribution from the general budget of the Union for 2023 in order to meet the provisioning needs related to EU guarantees for financing of projects implementing the Economic and Investment Plan for the Eastern Neighbourhood. The Commission should acknowledge and accept contributions from other donors in accordance with Article 21(2) of the Financial Regulation, subject to the conclusion of the relevant agreement for the implementation of actions “Neighbourhood Investment Platform (NIP) – 2023 East” (Annex I). Where such contributions are not denominated in euro, a reasonable estimate of conversion should be made.
- (8) In order to ensure the implementation of the External Lending Mandate (“ELM”), established by Decision No 466/2014/EU of the European Parliament and of the Council of 16 April 2014 granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union, prolonged until the end of 2021 in line with Article 49 of the Neighbourhood, Development and International Cooperation Instrument – Global Europe Regulation⁸, it is appropriate to provision the Guarantee Fund for External Action compartment of the Common Provisioning Fund with a contribution in 2023 from the general budget of the Union. The contribution will help to replenish the accumulated provisioning towards its target level, in accordance with the rules set out in Regulation 480/2009/EU.
- (9) The objective and design of the action fulfil the criteria for Official Development Assistance established by the OECD/DAC, as per the requirements of Article 3(3) of Regulation (EU) 2021/947, contributing to the sustainable development of partner

⁶ Commission Implementing Decision C(2021)9370 of 15/12/2021 adopting a multiannual indicative programme for the Eastern neighbourhood for the period 2021-2027

⁷ Art. 31 of Regulation (EU) 2021/947

⁸ OJ L 209, 14.6.2021

countries and the implementation of the 2030 agenda by supporting investments in the field of energy, transport infrastructures as well as private sector development or environment and climate change. The countries benefiting from the action which are included in the list of ODA recipients, are identified in the respective action document.

- (10) Pursuant to Article 62(1), point (c) of the Financial Regulation, indirect management is to be used for the implementation of the action.
- (11) 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.
- (12) To that 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 Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (13) 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.
- (14) In order to allow for flexibility in the implementation of the action plan, it is appropriate to determine the changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (15) The action plan provided for in this Decision is in accordance with the opinion of the NDICI-GE Neighbourhood Committee established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

Article 1 *The action plan*

The annual financing Decision, constituting the annual work programme for the implementation of the “annual action plan in favour of the NDICI Neighbourhood East Region for 2023”, as set out in the Annex I, is adopted.

The action plan shall consist of the action set out in the Annex I.

Article 2 *Union contribution*

The maximum Union contribution for the implementation of the action plan for 2023 is set at EUR 121,750,000.00⁹, and shall be financed from the appropriations entered in budget line 14.020111 of the general budget of the Union.

The appropriations provided for in the first paragraph may also cover interest due for late payment.

⁹ An amount of EUR 20 million is earmarked for one or several joint projects in support of the ongoing Armenia-Azerbaijan peace negotiation. Should the political conditions not be in place by end June 2024 for such joint project, the funds may be used for other projects in the Eastern Partnership region. The June 2024 cut-off date is set having in mind that this amount will need to be contracted before 31/12/2024 and that sufficient lead-time is required to allocate and contract the funds.

Article 3
Provisioning for budgetary guarantees

The maximum Union contribution for the provisioning of the Common Provisioning Fund for 2023 is set at EUR 96,613,414.88 and shall be financed from the appropriations entered under the following extensions of the 14.020170 NDICI – Global Europe – Provisioning of the Common Provisioning Fund budget line:

- 1) EUR 78,708,349.40 under the 14.020170.01 budget line (EFSD+ compartment)
- 2) EUR 17,905,065.48 under the 14.020170.05 budget line – (ELM legacy in Guarantee Fund for External Action (GFEA) compartment).¹⁰

Article 4
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 Annexe, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.3.1 of Annex I.

Article 5
Flexibility clause

Increases¹¹ or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in Article 2, first paragraph, or cumulated changes 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 Regulation (EU, Euratom) 2018/1046, 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, 14.12.2023

For the Commission
Olivér VÁRHELYI
Member of the Commission

¹⁰ The Provisioning for budgetary guarantees is separated from the Union contribution for the implementation of the annual action plan for 2023 set out in Article 2 which shall finance the Neighbourhood Investment Platform (NIP) East for 2023.

¹¹ These changes can come from external assigned revenue made available after the adoption of the financing Decision.