



Brussels, **XXX**
[...] (2021) **XXX** draft

COMMISSION IMPLEMENTING DECISION

of **XXX**

**on the financing of the components of the Thematic Facility under the Internal Security
Fund and the adoption of the work programme for 2021 and 2022**

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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 2021/1149 of the European Parliament and of the Council establishing the Internal Security Fund², and in particular Article 8(7) thereof,

Whereas:

- (1) In order to ensure the implementation of the components of the thematic facility under the Internal Security Fund, it is necessary to adopt a multiannual financing decision, which constitutes the multiannual work programme, for 2021 and 2022. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (2) In accordance with Article 34(3) Regulation (EU) No 2021/1149 establishing the Internal Security Fund and Article 193(2), second subparagraph, point (a) Financial Regulation, and in order to avoid any disruption in Union support which could be prejudicial to the Union's interests, costs incurred in respect of actions supported under this Decision under direct management and which have already begun may be considered eligible for financing as of 1 January 2021, even if those costs were incurred before the grant application or the request for assistance was submitted. The same rules apply, *mutatis mutandis*, to the eligibility of activities and costs under indirect management.
- (3) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (4) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (5) Pursuant to Article 62(1) point (c) Financial Regulation indirect management is to be used for the implementation of the programme. Pursuant to Article 62(1) point (b) Financial Regulation shared management is to be used for the implementation of the programme, and in particular for the implementation of the specific actions.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 251, 15.7.2021, p.94–131.

- (6) 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) 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) Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) Financial Regulation before a contribution agreement can be signed.
- (7) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) Financial Regulation.
- (8) 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) Financial Regulation.
- (9) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark did not take part in the adoption of Regulation (EU) No 2021/1149 and is not bound by it or subject to its application. Denmark is therefore not bound by this Decision or subject to its application.
- (10) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, Ireland has notified its wish to take part in the adoption and application of Regulation (EU) No 2021/1149. It is therefore bound by this Decision.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee for the Home Affairs Funds established by Article 33 Regulation (EU) No 2021/1149,

HAS DECIDED AS FOLLOWS:

Article 1
The work programme

The multiannual financing decision, constituting the multiannual work programme for the implementation of the components of the thematic facility under the Internal Security Fund for the years 2021 and 2022, as set out in the Annex, is adopted.

Article 2
Union contribution

The maximum Union contribution for the implementation of the work programme for the years 2021 and 2022 referred to in Article 1 is set at EUR 163 407 025.76 and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- budget line 12 02 01: EUR 67 007 025.76 for 2021, and EUR 96 400 000 for 2022;

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

The implementation of this Decision is subject to the availability of the appropriations provided for in the general budget of the Union for 2022 following the adoption of that budget by the budget authority.

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.

Article 4

Flexibility clause

Cumulated changes to the allocations to 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) 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%.

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

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

Ylva JOHANSSON

Member of the Commission