



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

COMMISSION IMPLEMENTING DECISION

of **XXX**

**on the financing of components of the Thematic Facility under the Asylum, Migration
and Integration Fund and adoption of the Work Programme for 2021 and 2022**

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on the financing of components of the Thematic Facility under the Asylum, Migration and Integration Fund and adoption of the Work Programme for 2021 and 2022

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) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund², and in particular Articles 11(8) thereof,

Whereas:

- (1) In order to ensure the implementation of the specific actions, Union actions, emergency assistance, resettlement and humanitarian admissions, and support to Member States for the transfer of applicants for international protection or of beneficiaries of international protection in the framework of the Asylum, Migration and Integration 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 39 of Regulation (EU) 2021/1147 and Article 193(2), the second subparagraph, point (a), of the 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), of the Financial Regulation indirect management is to be used for the implementation of the work programme. Pursuant to Article 62(1),

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 251, 15.7.2021, p.1.

point (b) of the Financial Regulation shared management is to be used for the implementation of the programme, and in particular for the implementation of the specific actions.

- (6) The Commission is to ensure a level of protection of the financial interests of the Union with regard 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 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.
- (7) 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.
- (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) of the 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 2021/1147 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 Articles 1 and 2 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 Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland did not take part in the adoption of Regulation (EU) No 2021/1147 and is not bound by it or subject to its application. Ireland is therefore not bound by this Decision or subject to its application.

or

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 Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...] its wish to take part in the adoption and application of Regulation (EU) No 2021/1147. 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 38 of Regulation (EU) 2021/1147,

HAS DECIDED AS FOLLOWS:

Article 1
The work programme

The multiannual financing decision, constituting the multiannual work programme for the implementation of thematic facility components of the Asylum, Migration and Integration 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 879 681 861, and shall be financed from the appropriations entered in the line 10 02 01 (Asylum, Migration and Integration Fund) of the general budget of the Union, as follows:

- (a) EUR 371 663 861 for 2021;
- (b) EUR 508 018 000 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) 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%.

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