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ANNEX 3 – PART 1/2

ANNEX

COMMISSION DECISION or COMMISSION IMPLEMENTING DECISION
(template SJ-030 or template SJ-031 depending on the dossier type)

of [...]

**on the adoption of the work programme for [year(s)] and on the financing of [the
programme]**

or

on the financing of [the programme] for [year(s)]

(Text with EEA relevance [if needed])

ANNEX

COMMISSION DECISION or COMMISSION IMPLEMENTING DECISION
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of [...]

**on the adoption of the work programme for [year(s)] and on the financing of [the
programme]**

or

on the financing of [the programme] for [year(s)]

(Text with EEA relevance [if needed])

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to [quote the full title of the basic act of the programme]¹, and in particular Article [...] thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002², and in particular Article 84(2) thereof,

Whereas:

- (1) In order to ensure the implementation of [the programme] it is necessary to adopt a financing decision [and the work programme] for [year]. Article 94 of Commission Delegated Regulation (EU) No 1268/2012³ establishes detailed rules on financing decisions.
- (2) [It is appropriate to authorise the award of grants without a call for proposals to [insert the name of the bodies] [provide reasons].]⁴
- (3) [Pursuant to [insert reference to the relevant article serving as the legal basis for the determination of the management mode] [indirect/shared] management is to be used for the implementation of the programme.

OR

In order to [provide reasons, if type of management is not determined in the legal basis] it is necessary to use [indirect/shared] management for the implementation of the programme.]

- (4) [The authorising officer by delegation has obtained evidence that the the entities and persons entrusted with the implementation of the budget by indirect management are fulfilling the requirements laid down in points (a) to (d) of the first subparagraph of paragraph 2 of Article 60 of Regulation (EU, Euratom) No 966/2012].
- (5) It is necessary to allow for the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.

¹ OJ L [...], [date], p. [...].

² OJ L 298, 26.10.2012, p. 1.

³ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

⁴ To be inserted if exceptions to calls for proposals apply pursuant to Article 190 of Delegated Regulation (EU) No 1268/2012.

- (6) [If needed] It is appropriate to establish a financial instrument in accordance with Article 139 of Regulation (EU, Euratom) No 966/2012 in order to multiply the effect of Union funds.
- (7) [If needed] It is appropriate to establish trust funds in accordance with Article 187 of Regulation (EU, Euratom) No 966/2012 in order to strengthen the international role of the Union in external actions and development and to increase its visibility and efficiency.
- (8) In order to allow for flexibility in the implementation of the work programme, it is appropriate to define the term 'substantial change' within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012.
- (9) The measures provided for in this Decision are in accordance with the opinion of the [name of the Committee] [Committee established by Article [...] of [only type and number of the basic act [reference to the basic act is necessary only if the committee has no name]] [recital is necessary only if a committee procedure applies to the work programme],

HAS DECIDED AS FOLLOWS:

*Article 1*⁵
*The work programme*⁶

The [annual / multiannual] work programme for the implementation of the [insert the title of the programme] for [year] [years] [...], as set out in the Annex, is adopted.

[for an annual work programme:]

The annual work programme constitutes a financing decision within the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012.

[or for a multiannual work programme:]

The work programme constitutes a financing decision within the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012 for actions funded from appropriations of [year of budget implementation].

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme for [the year of budget implementation] is set at EUR[...]⁷, and shall be financed from the appropriations entered in the following line[s] of the general budget of the Union for [year]:

- (a) budget line [...]: EUR [...]⁸;
- (b) budget line [...]: EUR [...];
- (c) budget line [...]: EUR [...];
- (d) [if needed].

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 draft general budget of the Union for [year], following the adoption of that budget by the budgetary authority or as provided for in the system of provisional twelfths.

⁵ For multi annual financing decisions, Article 1 is only used for the first year, when adopting the work programme.

⁶ This model decision may serve to adopt *annual or multiannual* work programmes for grants and/or prizes, which may also constitute the financing decision for grants and prizes funded from the appropriations of the year of the budget implementation, provided the work programme contains for this year of budget implementation all elements of Article 94(2)(a) and (c) of Delegated Regulation (EU) No 1268/2012.

⁷ This amount must include the appropriations corresponding to assigned revenue, if they are available at the time the financing decision is adopted.

⁸ This amount must include the appropriations corresponding to assigned revenue, if they are available at the time the financing decision is adopted.

[only if the annual budget has not yet been adopted at the time the financing decision is to be adopted].

*[Where necessary] Article 3
Methods of implementation and entrusted entities or persons*

[The budget implementation tasks related to 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 in point 1.5.1. of that Annex.]

*Article 4⁹
Flexibility clause*

Cumulated changes¹⁰ to the allocations to specific actions not exceeding [...%]¹¹ of the maximum contribution set in Article 2 of this Decision shall not be considered to be substantial within the meaning of Article 94(4) of Delegated Regulation (EU, Euratom) No 1268/2012, where those changes do not significantly affect the nature of the actions and the objective of the work programme. [The increase of the maximum contribution set in Article 2 of this Decision shall not exceed [...%]¹²].

In implementing this decision, the authorising officer responsible may apply the type of changes referred to in the first paragraph in accordance with the principles of sound financial management and proportionality.

*[Where necessary] Article 4a
Adjustment clause¹³*

The contribution as referred to in Article 2 may be adjusted to the amount of appropriation decided by the budgetary authority in the general budget of the Union for year [...] if the change does not exceed [...%].

⁹ For external actions, DG BUDG may agree to a different flexibility clause with the concerned DGs to suit their specific needs.

¹⁰ These changes can come from assigned revenue made available after the adoption of the financing decision.

¹¹ The percentage rate (not exceeding 20% in any event) must be determined by taking into account the maximum EU contribution authorised by the Decision. Therefore, if the maximum EU contribution is significant, a reasonable percentage (in any event not exceeding 20%) must be chosen (Commission Communication of 8 April 2009 on Streamlining financial rules and accelerating budget implementation to help economic recovery, SEC(2009)477 final, page 7).

¹² The Commission services are not obliged to use the flexibility with regard to the increase of the maximum contribution authorised by the Decision. They may prefer to leave such a decision to the College especially if the increase is significant. If such flexibility is used, the increase cannot be higher than the percentage indicated in the first sentence of Article 4 (and in any event it cannot exceed 20%).

¹³ This Clause may be introduced in financing decisions on the contribution to Union bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012.

[Where necessary] Article 5¹⁴

Grants

Grants may be awarded without a call for proposals to the bodies referred to in point [...] of the Annex, in accordance with the conditions set out therein.

[Where necessary] Article 6

Financial instruments¹⁵

The [name of the financial instrument] is established.

[insert the selected entity referred to in the basic act] shall be entrusted with providing the financial support by means of [name of the financial instrument] for the amount set out in the Annex.

Done at Brussels,

For the Commission

[...]

Member of the Commission

¹⁴ To be inserted if one or more exceptions to calls for proposals apply

¹⁵ Article 84(3) of Regulation (EU, Euratom) No 966/2012 requires that the Financing Decision specifies the entrusted entity when indirect management is used. In cases of financial instruments this may only be done where the entrusted entity may be chosen without a call. If the entrusted entity is to be selected through a call, then the call must be included in the work programme (see point 1.6 of the annex), but the Financing decision must be done through an ad hoc financing decision afterwards, when the entrusted entity has been selected.

ANNEX¹⁶

[Legal basis¹⁷]- Work Programme for [year]

1.1. Introduction

On the basis of the objectives given in the [refer to the basic act or, in case of a pilot project, preparatory action, institutional prerogatives or specific powers, to the budget remarks] this work programme contains the actions to be financed and the budget breakdown for year [...] as follows:

- for grants (implemented under direct management¹⁸) (1.2):
- for prizes (implemented under direct management¹⁹) (1.3.)
- for procurement (implemented under direct management²⁰) (1.4):
- for actions implemented under [insert management] modes [(1.5):
- for Financial instruments (1.6)
- for other actions (1.7):

¹⁶ For grants and prizes, this model annex contains all compulsory information required for the year of budget implementation, for which the decision adopting the work programme constitutes the financing decision. In case of multiannual work programmes, further annexes should be added for subsequent years with the same content except, for grants, the budget line, the priorities for the year and the essential eligibility, selection and award criteria and, for prizes, the budget line and the essential conditions for participation and award criteria.

¹⁷ Reference is to be made to the basic act or, in the absence of a basic act, to the pilot project, preparatory action, institutional prerogatives or specific powers at stake.

¹⁸ including delegation to executive agencies.

¹⁹ including delegation to executive agencies.

²⁰ including delegation to executive agencies.

1.2. Grants

1.2.1. [Title of the action taking the form of a call for proposals or award of grant without a call for proposals²¹]

LEGAL BASIS²²

[...]

BUDGET LINE

[...]

Priorities of the year, objectives pursued and expected results

[...]
[...]
[...]
[...]

Description of the activities to be funded [under the call for proposals²³][by the grant(s) awarded without a call for proposals on the basis of article 190 of Delegated Regulation (EU) No 1268/2012²⁴][by the specific grant(s) directly awarded under (a) framework partnership(s)]

²¹

Article 94 of Delegated Regulation (EU) No 1268/2012

Financing decision

2. The financing decision shall in particular set out the following:

(a) for grants:

- (i) the reference to the basic act and the budgetary line;
- (ii) the priorities of the year, the objectives to be fulfilled and the foreseen results with the appropriations authorised for the financial year;
- (iii) the essential eligibility, selection and award criteria to be used to select the proposals;
- (iv) the maximum possible rate of co-financing and if different rates are envisaged the criteria to be followed for each rate;
- (v) the timetable and the indicative amount of the calls for proposals;

3. Where the work programme referred to in Article 128 of the Financial Regulation contains the information set out in point (a) of paragraph 2 of this Article for the grants financed from appropriations authorised for the financial year, the decision adopting it shall be considered to be the financing decision for those grants.

If the work programme does not contain such information for one or more actions, it must be modified accordingly or a specific financing decision must be adopted for the actions concerned.

²²

Please indicate the relevant provision of the basic act or, in the absence of a basic act, please indicate the pilot project, preparatory action, institutional prerogatives or specific powers at stake.

²³

Including calls for proposals for establishment of framework partnerships and calls for proposals restricted to partners under existing framework partnerships

²⁴

If an exception to the implementation through a call for proposals applies, reference must be made to one of the cases listed in Article 190 of Delegated Regulation (EU) No 1268/2012 and the recourse to the exception must be justified accordingly.

Article 190 of Delegated Regulation (EU) No 1268/2012

Exceptions to calls for proposals

[...]

[...]

Essential eligibility, selection²⁵ and award criteria²⁶

[...]

[...]

[...]

Implementation²⁷

[...]

1. Grants may be awarded without a call for proposals only in the following cases:

(a) for the purposes of humanitarian aid and civil protection operations or for crisis management aid within the meaning of paragraph 2;

(b) in other exceptional and duly substantiated emergencies;

(c) to bodies with a *de jure* or *de facto* monopoly, duly substantiated in the award decision;

(d) to bodies identified by a basic act, within the meaning of Article 54 of the Financial Regulation, as beneficiaries of a grant or to bodies designated by the Member States, under their responsibility, where those Member States are identified by a basic act as beneficiaries of a grant;

(e) in the case of research and technological development, to bodies identified in the work programme referred to in Article 128 of the Financial Regulation, where the basic act expressly provides for that possibility, and on condition that the project does not fall under the scope of a call for proposals;

(f) for actions with specific characteristics that require a particular type of body on account of its technical competence, its high degree of specialisation or its administrative power, on condition that the actions concerned do not fall within the scope of a call for proposals.

(g) The cases referred to in point (f) of the first subparagraph shall be duly substantiated in the award decision.

2. Crisis situations in third countries shall be understood as situations of immediate or imminent danger threatening to escalate into armed conflict or to destabilise the country. Crisis situations shall also be understood as situations caused by natural disasters, manmade crisis such as wars and other conflicts or extraordinary circumstances having comparable effects related inter alia to climate change, environmental degradation, privation of access to energy and natural resources or extreme poverty.

²⁵ In accordance with Article 131 of Regulation (EU, Euratom) No 966/2012 the verification of financial capacity shall not apply to natural persons in receipt of scholarships, to natural persons most in need and in receipt of direct support, to public bodies or to international organisations. The authorising officer may, depending on a risk assessment waive the obligation to verify the operational capacity of public bodies or international organisations.

²⁶ In case of grants awarded without a call for proposals on the basis of Article 190 of Delegated Regulation (EU) No 1268/2012 or under a framework partnership the essential eligibility criteria are not to be specified since the description of the action shall specify the bodies to which grants may be awarded. Nevertheless the selection and award criteria shall be mentioned in all cases including for specific grants, even if those criteria are already provided in the framework partnership agreement or decision.

²⁷ Please indicate whether the action will be implemented directly by the DG, through a cross delegation to another DG or by an executive agency. See in this regard point 4.1.3 of the "note circulaire du 27.09.2007 de la DG BUDGET, en accord avec le SJ et le SG, sur la décision de financement et le programme de travail annuel relatif aux subventions et marchés sur crédits opérationnels dans le cadre du règlement financier", available on http://www.cc.cec/budg/leg/frandir/leg-051_frandir2002_en.html.

Indicative timetable and indicative amount of the [call for proposals²⁸] [grant(s) awarded without a call for proposals] [specific grant(s) directly awarded under (a) framework partnership(s)]

Reference	Date	Amount
[...]	[...]	[...]

Maximum possible rate of co-financing of the [eligible][total] costs²⁹

--

1.2.2. *[Title of the action taking the form of a call for proposals or award of grant without a call for proposals]³⁰*

1.2.3. [...]

1.2.4. *[Title of the action taking the form of a call for proposals or award of grant without a call for proposals]*

...

²⁸ Indicate when (at least quarter of the year) the call will be published. For calls for proposals aiming at establishing framework partnerships no amount should be specified.

²⁹ If different rates are envisaged, the criteria to be followed for each rate must be indicated. If financing in full of some external actions is envisaged, reference must be made to Article 277 of Delegated Regulation (EU) No 1268/2012 and the recourse to the exception must be justified accordingly. The maximum co-financing rate shall be specified for all grants regardless to their forms including where grants are based on lump sums or unit costs.

³⁰ To be repeated as many times as necessary

1.3. Prizes

1.3.1. [Title of the action taking the form of a contest for award of prize(s)³¹]

LEGAL BASIS³²

[...]

BUDGET LINE

[...]

Description, objectives pursued and expected results

[...]

[...]

[...]

[...]

Essential conditions for participation³³ and award criteria

[...]

[...]

[...]

³¹

Article 94 of Delegated Regulation (EU) No 1268/2012

Financing decision

2. The financing decision shall in particular set out the following:

(d) for prizes:

(i) the reference to the basic act and the budgetary line;

(ii) the objectives to be fulfilled and the foreseen results;

(iii) the essential conditions for participation and award criteria;

(iv) the timetable of the contest and the amount of the prize or prizes;

3. As regards prizes, where the implementation of the corresponding appropriations authorised for the financial year is provided for by a work programme containing the information referred to in points (d) of paragraph 2 of this Article, the decision adopting this work programme shall also be considered to be the financing decision for the prizes involved.

If the work programme does not contain such information for one or more actions, it must be modified accordingly or a specific financing decision must be adopted for the actions concerned.

³²

Please indicate the relevant provision of the basic act or, in the absence of a basic act, please indicate the pilot project, preparatory action, institutional prerogatives or specific powers at stake.

³³

In particular the essential eligibility criteria and the non-exclusion criteria

Implementation³⁴

[...]

Indicative timetable of the contest(s)³⁵ and indicative amount of the prize(s)

Reference	Date	Amount
[...]	[...]	[...]

1.3.2. [Title of the action taking the form of a contest for award of prize(s)]³⁶

[...]

1.3.3. [Title of the action taking the form of a contest for award of prize(s)]

[...]

³⁴ Please indicate whether the action will be implemented directly by the DG, through a cross delegation to another DG or by an executive agency. See in this regard point 4.1.3 of the "note circulaire du 27.09.2007 de la DG BUDGET, en accord avec le SJ et le SG, sur la décision de financement et le programme de travail annuel relatif aux subventions et marchés sur crédits opérationnels dans le cadre du règlement financier", available on http://www.cc.cec/budg/leg/frandir/leg-051_frandir_en.html under Article 75.

³⁵ Indicate when (at least quarter of the year) the contest will be published.

³⁶ To be repeated as many times as necessary

1.4. Procurement

The overall budgetary allocation reserved for procurement contracts in [year] amounts to EUR [...].

1.4.1. [Title of the action implemented by a procurement contract]³⁷

Legal basis³⁸

[...]

Budget line

[...]

Subject matter of the contracts envisaged (*study / technical assistance / evaluation / survey / IT / communication services/etc.*)

[...]
[...]

Type of contract (*new FWC / direct contract / specific contract based on an existing FWC / contract renewal*) and type of procurement (*service/supply/works*)

[...]

Indicative amount per contract [not mandatory]

[...]

Indicative number of contracts envisaged

Indicative timeframe for launching the procurement procedure³⁹

³⁷

Article 94 of Delegated Regulation (EU) No 1268/2012

Financing decision

2. The financing decision shall in particular set out the following:

(b) for procurement:

(i) the global budgetary envelope reserved for the procurements during the year;
(ii) the indicative number and type of contracts envisaged and if possible their subject in generic terms;
(iii) the indicative timeframe for launching the procurement procedures;

3. As regards procurement, where the implementation of the corresponding appropriations authorised for the financial year is provided for by a work programme containing the information referred to in point (b) of paragraph 2 of this Article, the decision adopting this work programme shall also be considered to be the financing decision for the procurement involved.

If the work programme does not contain such information for one or more actions, it must be modified accordingly or a specific financing decision must be adopted for the actions concerned.

³⁸

Please indicate the relevant provision of the basic act or, in the absence of a basic act, please indicate the pilot project, preparatory action, institutional prerogatives or specific powers at stake.

[...]

Implementation⁴⁰

[...]

[...]

1.4.2. [Title of the action implemented by a procurement contract]⁴¹

[...]

1.5. Actions implemented in indirect management

[...]

1.5.1. [Title of the action implemented in [insert mode] management

Legal basis⁴²

[...]

Budget line

[...]

Amount

[...]

Implementing entity⁴³

[...]
[...]

Overall objective and purpose of the action

³⁹ Indicate when (at least quarter of the year) the procurement procedure will be launched.

⁴⁰ Please indicate whether the action will be implemented directly by the DG, through a cross delegation to another DG, through a Service Level Agreement with another DG or department or by an executive agency

⁴¹ To be repeated as many times as necessary

⁴² Please refer to the relevant provision of the legal basis.

⁴³ Explain briefly why this management mode is chosen and the criteria and reasons for choosing this implementing entity in particular.

[...]

[...]

1.5.2. *[Title of the action implemented in [insert mode] management]*

[...]

1.6. Financial instruments implemented in direct or indirect management

The overall budgetary allocation reserved for financial instruments in [year] amounts to EUR [...].

1.6.1. [Title of the action implemented by the financial instrument]⁴⁴

Legal basis ⁴⁵

[...]

Specific Financial instrument to be used

[...]

Budget line

[...]

Objectives to be fulfilled and the foreseen results

[...]
[...]

The amount allocated to the financial instrument;

[...]

Criteria to be used ⁴⁶to select the fund manager (direct management) or entrusted entity or person⁴⁷ (indirect management) or justification for the exception

[...]

Implementation mode ⁴⁸

⁴⁴ **Article 94 of Delegated Regulation (EU) No 1268/2012**

Financing decision

e) for financial instruments:

- i) the reference to the basic act and the budgetary line;
- (ii) the objectives to be fulfilled and the foreseen results;
- (iii) the amount allocated to the financial instrument;
- (iv) the indicative implementation timetable.

⁴⁵ Or pilot project or preparatory act, or reference to the budget line (see Article 139(1) of Regulation (EU, Euratom) No 966/2012)

⁴⁶ Only if the financial instrument has not been approved previously by the Commission.

⁴⁷ If the delegatee or financial intermediary or fund manager is not known at this stage, please insert this standard sentence "The [entrusted entity or person/ financial intermediary/ fund manager] selected to carry out this task will be known after the call and shall be submitted to the College for approval at a later stage when the [delegation] agreement is approved." [*Nota Bene*: use delegation agreement for indirect management and agreement for direct management.]

[...]

Indicative timetable

[...]

[...]

⁴⁸

Please indicate whether the action will be implemented directly by the DG or through an indirect management system

Other Actions⁴⁹ or expenditures⁵⁰

1.6.2. [Title of the action]

Legal basis⁵¹

[...]

Budget line

[...]

Amount

[...]

Description and objective of the implementing measure

[...]

[...]

1.6.3. [Title of the action]

[...]

⁴⁹ If applicable, other operational expenditure such as contributions paid by the Union as subscriptions to bodies of which it is a member (see for instance Article 121(2), point d), of Regulation (EU, Euratom) No 966/2012) should be included in the financing decision.

⁵⁰ In particular in accordance with Article 204 or Article 181(4) of Regulation (EU, Euratom) No 966/2012 the payment of experts' remunerations or special allowances is to remain exceptional. Details should therefore be provided on the activities of these experts and the reasons justifying their remuneration. These remunerations or special allowances must be paid from operational lines (differentiated appropriations) in line with Commission Decision C(2014) 2220 of 8 April 2014 on conditions for granting a special allowance to participants in the activities of a Commission expert group, as provided for in the horizontal rules for Commission expert groups (C(2010)7649).

⁵¹ Please refer to the relevant provision of the legal basis.