



EUROPEAN COMMISSION

Brussels, 26.11.2010
C(2010) 8214

COMMISSION DECISION

of 26.11.2010

**on the Annual Action Programme 2010 - part II in favour of Ukraine to be financed
under Article 19 08 01 03 of the general budget of the European Union**

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on the Annual Action Programme 2010 - part II in favour of Ukraine to be financed under Article 19 08 01 03 of the general budget of the European Union

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI)¹, and in particular Article 12 thereof,

Whereas:

- (1) The Commission has adopted the European Neighbourhood and Partnership Instrument Strategy Paper 2007-2013 for Ukraine and the Multiannual Indicative Programme for the period 2007-2010², which indicates as priorities support for democratic development and good governance, support for regulatory reform and administrative capacity building and support for infrastructure development.
- (2) The objectives pursued by the Annual Action Programme are to support the efforts of the Ukrainian Government to achieve an effective balance between secure borders and the facilitation of legal movement of persons and goods, according to EU standards.
- (3) The present Decision constitutes a financing decision within the meaning of Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget³ (hereafter 'the Financial Regulation') and Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget⁴ (hereafter 'the Implementing Rules').
- (4) The maximum contribution of the European Union set by the present Decision should cover any possible claims for interest due for late payment on the basis of Articles 83 of the Financial Regulation and 106(5) of its Implementing Rules.
- (5) The Commission is required to define the term "substantial change" in the meaning of Article 90 (4) of the Implementing Rules to ensure that any substantial change in this decision shall follow the same procedure as the initial decision.

¹ OJEU L 310, 9.11.2006, p. 1

² C(2007) 672

³ OJ L 248 of 16.09.2002 p. 1.

⁴ OJ L 357 of 31.12.2002, p.1.

- (6) The measures provided for in this Decision are in accordance with the opinion of the ENPI Committee set up under Article 26 of Regulation (EC) No 1638/2006,

HAS DECIDED AS FOLLOWS:

Article 1

The Annual Action Programme 2010 – part II in favour of Ukraine, constituted by the action "Support to the Border Management Sector Policy in Ukraine", the text of which is set out in the attached Annex, is approved.

Article 2

The maximum contribution of the European Union to the Annual Action Programme 2010 – part II is set at €66 million to be financed from budget line 19 08 01 03 of the general budget of the European Union for 2010.

This maximum contribution shall also cover any possible interests due for late payment.

Article 3

Cumulated changes of the allocations to the specific actions not exceeding 20% of the maximum contribution of the European Union shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the Annual Action Programme. This may include an increase of the maximum contribution of the European Union up to 20%.

The relevant authorising officer may amend the present Decision to introduce non-substantial changes to the Annual Action Programme in accordance with the principles of sound financial management.

Done at Brussels, 26.11.2010

For the Commission
Štefan Füle
Member of the Commission

ANNEX

Annual Action Programme 2010 – part II for Ukraine

Support for Border Management Sector Policy in Ukraine