



Brussels, 22.11.2023
C(2023) 7825 final

COMMISSION IMPLEMENTING DECISION

of 22.11.2023

**on the financing of the annual action plan in favour of the French Southern and
Antarctic Lands for 2023**

COMMISSION IMPLEMENTING DECISION

of 22.11.2023

on the financing of the annual action plan in favour of the French Southern and Antarctic Lands for 2023

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 Council Decision (EU) 2021/1764 of 5 October 2021 on the association of the Overseas Countries and Territories with the European Union including relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other², and in particular Articles 81 and 82 thereof, confirming the application of Article 23(2) of Regulation (EU) 2021/947,

Whereas:

- (1) In order to ensure the implementation of the action ‘Preservation of marine ecosystems and sustainable management of natural resources in the South-West Indian Ocean’, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2023. Article 110 of Regulation (EU, Euratom) 2018/1046 (‘the Financial Regulation’) establishes detailed rules on financing decisions.
- (2) The envisaged assistance is to comply strictly with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³.
- (3) The action contributes to climate and biodiversity mainstreaming, in line with the European Green Deal and the Interinstitutional Agreement.
- (4) The Commission has adopted the Multiannual Indicative Programme for the French Southern and Antarctic Lands for the period 2021-2027⁴, which sets out the following priorities: protection of marine biodiversity and sustainable management of resources.
- (5) The objectives pursued by the annual action plan to be financed under Decision (EU) 2021/1764 consist in fighting to preserve the biodiversity of marine ecosystems in the South-West Indian Ocean.

¹ OJ L 193, 30.7.2018, p. 1.

² OJ L 355, 7.10.2021, p. 6.

³ www.sanctionsmap.eu. Note that the sanctions map is an IT tool for identifying the sanction regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy the OJ prevails.

⁴ Commission Implementing Decision adopting 9 multiannual indicative programmes for Overseas Countries and Territories for the period 2021-2027, C(2021)9164 final of 15.12.2021.

- (6) The action entitled ‘Preservation of marine ecosystems and sustainable management of natural resources in the South-West Indian Ocean’ aims to improve understanding and monitoring of marine ecosystems in the South-West Indian Ocean so that suitable conservation measures can be developed.
- (7) Pursuant to Article 26(1) of Regulation (EU) 2021/947, applicable in accordance with Article 81 of Decision (EU) 2021/1764, indirect management is to be used for the implementation of the action.
- (8) 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 Regulation⁵ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (9) 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.
- (10) 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.
- (11) The action plan provided for in this Decision is in accordance with the opinion of the Committee established under Article 90 of Decision (EU) 2021/1764,

HAS DECIDED AS FOLLOWS:

Article 1
The action plan

The annual financing decision constituting the annual action plan for the preservation of marine ecosystems and sustainable management of natural resources in the South-West Indian Ocean for 2023, as set out in the Annex, is adopted.

- (a) The action plan shall include the following action: ‘Preservation of marine ecosystems and sustainable management of natural resources in the South-West Indian Ocean’, as set out in the Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2023 is set at EUR 4 000 000 and shall be financed from the appropriations entered in budget line BGUE-B2023-14.050200.02 of the general budget of the Union.

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

⁵ Except for the cases referred to in Article 154(6) of the Financial Regulation where the Commission may decide not to require an *ex ante* assessment.

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 4.3 of the Annex.

Article 4

Flexibility clause

Increases or decreases of up to EUR 10 million and not exceeding 20% of the maximum Union contribution set in the first paragraph of Article 2, or cumulated changes⁶ 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 the Financial Regulation, where 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, 22.11.2023

For the Commission

Jutta Urpilainen

Member of the Commission

⁶ These changes can come from assigned revenue made available after the adoption of the financing decision.