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**COMMISSION IMPLEMENTING DECISION**

**of 15.12.2022**

**on the financing of the annual action plan in favour of Vietnam for 2023 part 1**

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## on the financing of the annual action plan in favour of Vietnam for 2023 part 1

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union (TFEU),

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 966/2012<sup>1</sup>, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009<sup>2</sup>, and in particular Article 23(1) and (2) thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favour of Vietnam for 2023 part 1, 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 with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU<sup>3</sup>.
- (3) The actions provided for in this Decision contribute to climate mainstreaming in line with the European Green Deal and the inter-institutional agreement.
- (4) The Commission has adopted the National Multiannual Indicative Programme for the period 2021-2027<sup>4</sup>, which sets out the following priorities: i) climate-responsive digital circular economy; ii) responsible entrepreneurship and enhanced skills for decent employment and iii) strengthened governance, rule of law and institutional reform.
- (5) The objectives pursued by the annual action plan to be financed under the Regulation (EU) 2021/947 geographic programme 'Asia and the Pacific' are to contribute to

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<sup>1</sup> OJ L 193, 30.7.2018, p.1.

<sup>2</sup> OJ L 209, 14.6.2021, p.1.

<sup>3</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu). Note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy, the OJ prevails.

<sup>4</sup> Commission Decision on the adoption of the National Indicative Programme between the European Union and the Socialist Republic of Vietnam C(2021) 8997 final of 14.12.2021.

priority areas i) climate-responsive digital circular economy; ii) responsible entrepreneurship and enhanced skills for decent employment and iii) strengthened governance, rule of law and institutional reform of the National Multiannual Indicative Programme for the period 2021-2027.

- (6) The action entitled “EU-Vietnam Women-led Green Partnership Programme” will deliver on the external dimension of the EU Green Deal, including the implementation of the Paris Agreement and other Multilateral Environmental Agreements, in order to address climate and environmental challenges in Vietnam through a gender responsive approach. The Programme aims for a long-term vision of an enabling environment, which allows non-state actors to engage efficiently and effectively in the development and governance process. The added value of the EU, as a champion of the Climate and Green Transition and frontrunner for Gender Equality, is translated into the Action’s overall objective: “Women in all their diversity influence decision-making processes on climate-change and environmental conservation policies and actions in Vietnam”. The specific objectives are: i) Increased participation of women and girls in all their diversity, NSAs and members of mass organisations, in decision-making processes at national and provincial levels on climate change adaptation and mitigation and on environment issues. And ii) Increased participation of women and girls in all their diversity in and improved access to decent jobs and entrepreneurship opportunities in the green economy and the circular economy.
- (7) The action entitled “EU-Vietnam Decent Work Promotion Programme” seeks to strengthen the work done by the Government of Vietnam, the European Union and other international organisations to promote Decent Work in Vietnam, in a context of post COVID-19 crisis. The EU support will accompany the labour reform process that started during the trade liberalisation years and continues to be a priority after the ratification of the EU-Vietnam Free Trade Agreement. The specific objectives are: i) to strengthen industrial relations in Vietnam, in line with International Labour Organisation (ILO) Fundamental Conventions and Vietnam’s Labour Code. ii) to improve social protection coverage for workers in vulnerable situations in Vietnam. And iii) the business community in Vietnam is more supportive of decent work principles.
- (8) The action entitled “EU Justice and Legal Empowerment programme - Phase II (EU JULE – Phase II) aims to strengthen the rule of law and promote human rights through an increasingly qualified, transparent, more inclusive, and independent justice system in line with international human rights standards. It is expected to have a long-term impact on developing a more egalitarian society in Vietnam, where human rights are respected, and people have access to justice and the rule of law through efficient, coordinated, and result-oriented justice and legal services. The specific objectives are: i) Enhanced access for all people to an increasingly qualified, transparent, more inclusive, and independent justice system in line with international human rights standards; and ii) Enhanced frameworks and processes for the respect, protection, and realization of human rights.
- (9) The measure entitled “Support Measures – Cooperation Facility for Vietnam – Strategic Communication” will support the implementation of strategic communication activities designed to raise awareness, understanding and perception of the EU and its partnership with Vietnam. It will increase the EU visibility at national and provincial level, in line with the priorities identified in the National Multiannual Indicative Programme, the Strategic Communication and Public Diplomacy Plan for Vietnam, the EU Gender Action Plan as well as relevant global and regional strategies.

The Overall Objective of this measure is to position the EU as a partner of reference among selected target audiences. The Specific Objective of this measure is to measurably increase awareness, understanding and perception of the EU, including by contributing to both Team Europe Initiatives, as a strategic partner to Vietnam.

- (10) The Commission should authorise the launch of a call for proposals and two calls for tender by means of a suspensive clause before the adoption of this Decision.
- (11) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the actions.
- (12) 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) 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<sup>5</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

- (13) 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.
- (14) In order to allow for flexibility in the implementation of the annual action plan in favour of Vietnam for 2023 part 1, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (15) The action plan provided for in this Decision is in accordance with the opinion of the Committee established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

#### *Article 1* *The action plan*

The annual financing decision, constituting the annual action plan for the implementation of the annual action plan in favour of Vietnam for 2023 part 1, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) “EU-Vietnam Women-led Green Partnership Programme” set out in Annex I,
- (b) “EU-Vietnam Decent Work Promotion Programme” set out in Annex II,
- (c) “EU Justice and Legal Empowerment Programme - Phase II (EU JULE - Phase II)” set out in Annex III,
- (d) “Support Measures – Cooperation Facility for Vietnam – Strategic Communication” set out in Annex IV.

#### *Article 2* *Union contribution*

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<sup>5</sup> 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.

The maximum Union contribution for the implementation of the action plan for 2023 is set at EUR 55 500 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- BGUE-B2023-14.020131-C1-INTPA: EUR 55 500 000.

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 2023, following the adoption of that budget by the budgetary authority or as provided for in the system of provisional twelfths.

### *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 Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.3.3 of Annexes II and III.

### *Article 4*

#### *Flexibility clause*

Increases or decreases of up to EUR 10 000 000 and not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes<sup>6</sup> 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 (provided that 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.

### *Article 5*

#### *Grants, Procurement*

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annexes. Grants may be awarded to the bodies referred to in the Annexes selected in accordance with point 4.3.1 of the Annexes.

Launching a call for proposal under a suspensive clause before the adoption of this Decision shall be authorised as of the date set out in point 4.3.1 of the Annex I.

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

Launching a call for tender under a suspensive clause before the adoption of this Decision shall be authorised as of the date set out in point 4.3.2 of the Annex I and in point 4.3.1 of the Annex IV.

Done at Brussels, 15.12.2022

*For the Commission*  
*Jutta URPILAINEN*  
*Member of the Commission*