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**COMMISSION IMPLEMENTING DECISION**

**of 21.11.2022**

**on the financing of the annual action plan in favour of three Caribbean Overseas  
Countries and Territories (Saba, Saint-Barthélemy and Sint Eustatius) for 2022**

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## on the financing of the annual action plan in favour of three Caribbean Overseas Countries and Territories (Saba, Saint-Barthélemy and Sint Eustatius) for 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 966/2012<sup>1</sup>, 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 other<sup>2</sup>, and in particular Articles 81 and 82 thereof, making Article 23(2) of Regulation (EU) 2021/947 applicable.

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favour of three Caribbean Overseas Countries and Territories (Saba, Saint-Barthélemy and Sint Eustatius) for 2022, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2022. 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 and biodiversity mainstreaming in line with the European Green Deal<sup>4</sup> and the inter-institutional agreement<sup>5</sup>.

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

<sup>2</sup> OJ L 355, 7.10.2021, p.6.

<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> Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal, COM(2019)640 final.

<sup>5</sup> Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources, OJ L-433 I, 22.12.2020, p. 28.

- (4) The Commission has adopted the Multiannual Indicative Programmes for Saba, for Saint-Barthélemy and for Sint Eustatius for the period 2021-2027<sup>6</sup>, which set out the following priorities: sustainable and resilient energy in Saba, disaster risk management in Saint-Barthélemy and sustainable agriculture in Sint Eustatius.
- (5) The objectives pursued by the annual action plan to be financed under the Decision (EU) 2021/1764 are to contribute to the green and resilient transition of the three islands Saba, Saint-Barthélemy and Sint Eustatius in the Caribbean region, as also laid out by their Multiannual Indicative Programmes (MIPs).
- (6) The action entitled ‘Sector Budget Support Programme for Sustainable and Resilient Energy in Saba’ aims to support the implementation of Saba’s energy strategy towards sustainable, affordable and reliable energy supply. To do so, the action will expand the infrastructures for renewable energy and increase the energy efficiency and climate resilience of the energy sector.
- (7) The action entitled ‘Sector Budget Support Programme for Disaster Risk Management in Saint-Barthélemy’ aims to support the implementation of Saint-Barthelemy’s disaster risk management policy towards an integrated and long-term approach. To do so, the action will enhance disaster preparedness, improve the capacity to accommodate people in safe shelters and reduce the impact of disasters on digital infrastructure and related services.
- (8) The action entitled ‘Sector Budget Support Programme for Sustainable Agriculture in Sint Eustatius’ aims to support the implementation of Sint Eustatius’ policy framework towards the development of a sustainable agriculture, which contributes to a healthy natural environment, ensure basic food security and create economic opportunities. To do so, the action will strengthen the sector governance and will create a conducive environment for sustainable agriculture.
- (9) Applicable in pursuance of Article 81 of Decision (EU) 2021/1764, indirect management is to be used for the implementation of the actions set out in Annex I, Annex II and Annex III.
- (10) 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>7</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (11) 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.
- (12) In order to allow for flexibility in the implementation of the action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.

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<sup>6</sup> Commission Decision on the adoption of the 9 Multiannual Indicative Programmes for Overseas Countries and Territories for the period 2021-2027 C(2021)9164 final of 15.12.2021.

<sup>7</sup> Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an ex-ante assessment.

(13) The Committee established under Article 90 of Decision (EU) 2021/1764 did not deliver an opinion for the action plan provided for in this Decision,

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The action plan*

The annual financing decision, constituting the annual action plan for the implementation of the three Caribbean Overseas Countries and Territories (Saba, Saint-Barthélemy and Sint Eustatius) for 2022, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) Sector Budget Support Programme for Sustainable and Resilient Energy in Saba set out in Annex I;
- (b) Appui Budgétaire Réduction des risques de catastrophe Saint-Barthélemy set out in Annex II;
- (c) Sector Budget Support Programme to Sustainable Agriculture in Sint Eustatius set out in Annex III.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the action plan for 2022 is set at EUR 9 500 000, and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- (a) budget line BGUE-B2022-14.050200.01-C1-INTPA: EUR 4 100 000 (for the action set out in Annex I);
- (b) budget line BGUE-B2022-14.050200.01-C1-INTPA: EUR 2 500 000 (for the action set out in Annex II);
- (c) budget line BGUE-B2022-14.050200.01-C1-INTPA: EUR 2 900 000 (for the action set out in Annex III).

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

*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 4.4.2 of the Annex I, of the Annex II and of the Annex III.

*Article 4*  
*Flexibility clause*

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes<sup>8</sup> to the allocations of specific actions

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<sup>8</sup> These changes can come from assigned revenue made available after the adoption of the financing decision.

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.

Done at Brussels, 21.11.2022

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