



Brussels, 20.12.2021  
C(2021) 9828 final

## **COMMISSION IMPLEMENTING DECISION**

**of 20.12.2021**

**amending Commission Implementing Decision C(2016)8379 of 13.12.2016 on the financing of the Annual Action Programme 2016 in favour of El Salvador for support to the country's Social Plan to be financed from general budget of the Union**

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**amending Commission Implementing Decision C(2016)8379 of 13.12.2016 on the financing of the Annual Action Programme 2016 in favour of El Salvador for support to the country's Social Plan to be financed from general budget of the Union**

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 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 25(2)(d) thereof,

Whereas:

- (1) By its Decision C(2016)8379 of 13.12.2016 the Commission has adopted the Annual Action Programme 2016 in favour of El Salvador for support to the country's Social Plan to be financed from the general budget of the Union. A substantial amendment to the decision was adopted on 22.10.2020 by Commission Implementing Decision C(2020)7429. The amendment was necessary to adapt the action entitled "Apoyo al Plan Social 2014-2019 de El Salvador" in order to allow a better response to the COVID-19 outbreak, and therefore to increase the original amount of the Union contribution from EUR 50 000 000 to EUR 83 000 000.
- (2) The main implementation modality set out in Commission Implementing Decision C(2016)8379 of 13.12.2016 as amended by decision C(2020)7429 was budget support, subject to the fulfilment of general eligibility criteria. As fulfilment of budget support eligibility criteria has not been ensured in the period since the adoption of the amendment through decision C(2020)7429 and in the interest of business continuity relating to an EU COVID response for El Salvador, an amendment in order to allow for the inclusion of the indirect management mode is needed. The proposed addition of implementation modality constitutes a substantial change to decision C(2016)8379 of 13.12.2016 as amended by decision C(2020)7429 of 22.10.2020 in the meaning of Articles 110(2) and (5) of the Financial Regulation. The foreseen actions under this proposed amendment maintain the overall objective and, therefore, the intended purpose of decision C(2020)7429, in the sense that it aims to respond to the socioeconomic consequences of the COVID-19 pandemic in El Salvador. The nature

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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.

of the actions have been adapted in line with the proposed change of method of implementation to indirect management and in coherence with the objectives of the Multiannual Indicative Programme in favour of El Salvador for the period 2021-2027<sup>3</sup>. This will allow the implementation of the Actions currently on hold due to the negative assessment of the budget support eligibility criteria.

- (3) Therefore, Commission Implementing Decision C(2016)8379 of 13.12.2016 should be amended accordingly.
- (4) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (5) 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 Regulation (EU, Euratom) 2018/1046.

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 Regulation (EU, Euratom) 2018/1046<sup>4</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

- (6) This amending decision is in accordance with the opinion of the Neighbourhood, Development and International Cooperation Instrument – Global Europe Committee established under Article 45 of Regulation (EU) 2021/947,

HAS DECIDED AS FOLLOWS:

#### *Sole Article*

Commission Implementing Decision C(2016)8379 of 13.12.2016 is amended as follows:

- (1) Article 3 is replaced by the following article:

#### *“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 5 of the Annex.”

- (2) The Annex to the Decision C(2016)8379 is replaced by the Annex to this Decision.

Done at Brussels, 20.12.2021

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

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<sup>3</sup> C(2021)9492, 16.12.2021.

<sup>4</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.