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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	26 April 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2021) 2011 final
Subject:	COMMISSION DECISION of 24.3.2021 on accepting and implementing the roles of an administrator, accounting officer and internal auditor for assistance measures of the European Peace Facility and granting an empowerment to the High Representative for Foreign Affairs and Security Policy in the capacity of Vice-President of the Commission and a delegation to the Head of Department of the Service for Foreign Policy Instruments for the adoption of measures necessary for such implementation

Delegations will find attached document C(2021) 2011 final.

Encl.: C(2021) 2011 final

Brussels, 24.3.2021
C(2021) 2011 final

SENSITIVE*

COMMISSION DECISION

of 24.3.2021

on accepting and implementing the roles of an administrator, accounting officer and internal auditor for assistance measures of the European Peace Facility and granting an empowerment to the High Representative for Foreign Affairs and Security Policy in the capacity of Vice-President of the Commission and a delegation to the Head of Department of the Service for Foreign Policy Instruments for the adoption of measures necessary for such implementation

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COMMISSION DECISION

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on accepting and implementing the roles of an administrator, accounting officer and internal auditor for assistance measures of the European Peace Facility and granting an empowerment to the High Representative for Foreign Affairs and Security Policy in the capacity of Vice-President of the Commission and a delegation to the Head of Department of the Service for Foreign Policy Instruments for the adoption of measures necessary for such implementation

THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union, and in particular Article 17 and Article 21(3) thereof,

Having regard to Council Decision (CFSP) 2021/509 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528¹,

Having regard to the Rules of Procedure of the Commission², and in particular Articles 13 and 14 thereof,

Whereas:

- (1) Decision (CFSP) 2021/509 establishes a European Peace Facility (“the Facility”). The Council Decision specifies the objectives of the Facility, sets out the type of actions it can support, the financial resources available to it and the basis on which each Member State should contribute to them. It also lays down rules necessary to ensure the functioning of the Facility.
- (2) The Facility is financed through contributions from the Member States and third parties, and not from the Union budget. This off-budget funding mechanism will be used to finance both the common costs of Union military operations under Article 42(4) and Article 43(2) of the Treaty, and assistance measures consisting of Union actions under Article 28 of the Treaty. The Facility will improve the Union's ability to prevent and swiftly respond to crises and conflicts, primarily but not exclusively in areas that display the most urgent and critical security threats for the Union.
- (3) The Facility will be managed by a Committee of Member States’ representatives (“the Facility Committee”). The Facility Committee has the power, among others, to adopt rules for the implementation of expenditure financed under the Facility. Within the Facility, the financial implementation of operations will be ensured by an administrator for operations and operation commanders, and the financial implementation of assistance measures – by an administrator for assistance measures.

¹ OJ L 102, 24.3.2021, p.14.

² OJ L 308, 8.12.2000, p. 26.

The specific titles of the budget concerning the implementation of assistance measures or parts thereof by an operation are however under the responsibility of the administrator for operations and not of the administrator for assistance measures.³ Two accounting officers will manage the respective accounts for operations and assistance measures. Two internal auditors will manage the internal auditing of the systems of the Facility.

- (4) In order to ensure a smooth start and the efficient functioning of the Facility, the High Representative for Foreign Affairs and Security Policy sought the Commission's support to the proposal. The original proposal set out a comprehensive system for the financial implementation of expenditure for both the common costs of operations and assistance measures. According to the structure for the Facility's financial implementation, which was endorsed by Coreper on 27 November 2019, the administrator for operations would be within the structures of the General Secretariat of the Council, whilst the administrator for assistance measures would be within the Commission services.
- (5) Pursuant to Article 30(1) of the Treaty, the Commission granted its support for the proposal, given in particular that it was requested to perform a role in the Facility's financial implementation and the need to ensure the consistency of the Union action in accordance with Article 21(3) of the Treaty⁴. The request to the Commission to perform the roles of administrator, accounting officer and internal auditor for assistance measures under the Facility pursuant to Articles 12, 13 and 41 of Decision (CFSP) 2021/509 has been confirmed in the course of the negotiations in the Council.
- (6) Decision (CFSP) 2021/509 meets the conditions considered essential by the Commission in order to maintain its support for the proposal and accept the roles at issue,⁵ subject to the Commission written statements to the Council at the end of the negotiations⁶.
- (7) Notably, the Commission has made clear that Article 1(2) of Decision (CFSP) 2021/509 cannot alter the obligations of the Member States and the institutions as laid down in the Treaties. Consequently, the Commission will continue to apply Article 41(2) of the Treaty as precluding the funding by the Union budget of actions having military or defence implications. Such actions should be funded by the Member States. Furthermore, the Commission has stressed that the detailed requirements set out in Decision (CFSP) 2021/509 as regards the process for the adoption and the content of the rules for the implementation of expenditure financed under the Facility⁷ are

³ Article 12(4) of Decision (CFSP) 2021/509.

⁴ Communication to the Commission, Commission support to the Proposal from the High Representative of the Union for Foreign Affairs and Security Policy for a Council Decision establishing a European Peace Facility, C(2018) 3800 final, 13.6.2018, PV(2018)2258 final, PO/2018/3981.

⁵ See notes to the attention of the members of the GRI SP(2019) 281, SI(2019) 526, SI(2019) 619, SI(2020) 97/3, SI(2020) 267, SI(2020) 423, SI(2020) 472.

⁶ See Annex to note to the attention of the members of the GRI SI(2020) 472.

⁷ Article 11(6) requires that the rules as regards assistance measures shall be consistent with and guarantee the same level of sound financial management, transparency and non-discrimination as Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, explicitly justify the cases that require a difference from the rules of Regulation (EU, Euratom) 2018/1046 in order to allow for targeted flexibility, and ensure that the accounting rules adopted by the accounting officer comply with internationally accepted accounting standards for the public sector. In addition, these rules shall be jointly proposed by the administrators for operations and assistance

essential to allow it to accept the roles at issue in a situation where the rules are not yet in place. It has moreover spelled out the key principles and modalities in accordance with which it will always apply these rules and the approach to be followed by its services involved in the financial implementation of assistance measures should they consider that the adopted rules are not consistent with the principles of Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union⁸.

- (8) It is therefore appropriate for the Commission to accept the roles of administrator, accounting officer and internal auditor for assistance measures under the Facility, pursuant to Article 12(2), Article 13(2) and Article 41(1) of Decision (CFSP) 2021/509, and to put in place the necessary arrangements for their implementation.
- (9) The Commission should perform the roles of administrator, accounting officer and internal auditor for assistance measures of the Facility via the Head of Department of the Service for Foreign Policy Instruments (“FPI”) who should act as an authorising officer by delegation of the Commission, via the accounting officer of the Commission (the Deputy Director-General of the Directorate-General for Budget) and via the Internal Audit Service, respectively. For this purpose, the Commission Decision on the Internal Rules on the implementation of the general budget of the European Union (European Commission section) for the attention of the Commission departments⁹, as well as the Communication to the Commission on the mission charter of the Internal Audit Service of the European Commission¹⁰, which apply in the context of the general budget of the Union, will apply *mutatis mutandis* in the context of the Facility as an off-budget mechanism. The Communication to the Commission on the mission charter of the Internal Audit Service of the European Commission should be applied in accordance with Articles 118 to 122 of Regulation (EU, Euratom) 2018/1046, pending the adoption of a specific mission charter addressing the requirements of the internal audit tasks in the context of the Facility. Legal representation of the Commission in performing the role of an administrator for assistance measures, including in legal proceedings, should take place in accordance with the applicable Commission rules and empowerments in this field.
- (10) The implementation of the roles at issue by the Commission should take place in full respect of the key principles and parameters set out in the Commission written statements to the Council. The relevant services should take the necessary actions in that respect, bringing matters to the attention of the appropriate level in the Commission, as necessary. When performing the roles at issue the Commission should apply Regulation (EU, Euratom) 2018/1046, unless the specific rules governing the Facility apply. The Commission will furthermore treat access to documents requests

measures and examined by the Facility Committee in close cooperation with them, in particular with a view to ensuring that the rules will comply with the principles of sound financial management and non-discrimination and respect for fundamental rights.

⁸ 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, OJ L 193, 30.7.2018, p. 1.

⁹ C(2018) 5120 final of 3.8.2018.

¹⁰ C(2020) 1760 final of 25.3.2020.

and personal data in accordance with the requirements of Regulation (EC) No 1049/2001¹¹ and Regulation (EU) 2018/1725, respectively¹².

- (11) Specific rules on empowerments and delegations for taking measures relating to the tasks of the administrator for assistance measures should be set out, when justified by the nature of the measures at issue.
- (12) Provided that the principle of collective responsibility is fully respected, the Commission may empower one or more of its Members or delegate powers to one or more of its Directors-Generals or Heads of Department, to take management or administrative measures acting on its behalf and subject to such restrictions and conditions as it may impose.
- (13) Decision (CFSP) 2021/509 spells out the modalities of the administrative structure for the financial management of the Facility. It also details the principles, structure and operations of the Facility's budget, the rules governing contributions and reimbursements, and provisions on reports, accounts and audit.
- (14) Pursuant to Decision (CFSP) 2021/509 the Council should approve the necessary urgent measures to be funded under the Facility, pending a decision on an assistance measure. These are unforeseen measures decided on in the course of the financial year which have to be implemented where the urgency of the situation so requires. Decision (CFSP) 2021/509 spells out that, when approving such measures, the Council should take into account the risk and safeguards methodology to be established pursuant to Article 9(3) of Decision (CFSP) 2021/509. The approval by the Council of urgent measures entitles the administrator for assistance measures to commit and pay expenses for the urgent measure concerned up to the cost authorised by the Council. Therefore, the act of approval of an urgent measure should be sufficiently precise to serve as a basis for a Commission financing decision.
- (15) The essential elements (such as the beneficiary, objectives, scope, duration, nature of the assistance to be provided, financial reference amount, designated implementing actor or grant recipient, controls and guarantees required from the beneficiary/implementing actor, conditions for the implementation, provisions on monitoring, evaluation, suspension and termination of the measure, and items or forms of support) that are to be contained in a decision by the Council establishing an annual or multi-annual assistance measure in the form of a specific measure or a general programme, are set out in Decision (CFSP) 2021/509. In the adoption of the financing decisions necessary to implement such a Council decision, the Commission is thus in principle strictly bound by the above detailed terms and conditions.
- (16) The Commission financing decisions referred to in recitals (14) and (15) could also concern follow-up measures (for example, audits, ex-post controls, evaluations) where

¹¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

¹² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

those measures are directly linked to the implementation of an assistance measure decided, or an urgent measure approved, by the Council.

- (17) Based on those Commission financing decisions the authorising officer by delegation should be able to adopt the necessary instruments of budget implementation, including the budgetary commitment (reservation of appropriations) of the necessary budgetary amounts, concluding the necessary contracts, making the necessary payments and other implementing decisions.
- (18) Decision (CFSP) 2021/509 confers to the Council and the Facility Committee the powers to decide on the elements that form the budget and amending budgets for assistance measures, such as the reference amount for the financial resources to be funded through the Facility, any deviation from the annual financial ceilings and the budget outturn from the previous financial year, and the ceiling for payments for the following year. Therefore, when preparing the budget and amending budgets for assistance measures, the administrator should take into account those decisions by the Council and by the Facility Committee. The administrator therefore has no or very limited power of appreciation as regards those elements.
- (19) Pursuant to Decision (CFSP) 2021/509 the administrator for assistance measures should report to the Facility Committee on the implementation of revenue and expenditure falling under his or her responsibility and submit regular financial reports, a yearly report on the internal audit work, and an annual activity report. Decision (CFSP) 2021/509 indicates the information that these reports should contain.
- (20) Pursuant to Decision (CFSP) 2021/509, the High Representative for Foreign Affairs and Security Policy should provide the Political and Security Committee with reports on the implementation of the assistance measures that also cover the financial aspects of the assistance measures, as implemented by the responsible administrator and accounting officer. As long as the financial implementation of assistance measures is at issue, such a requirement would relate to the High Representative for Foreign Affairs and Security Policy acting in the capacity of Vice-President of the Commission.
- (21) Measures under recitals (14) to (20) and their implementation are of a technical nature, because they are covered by a detailed framework established for the operability of the Facility under Decision (CFSP) 2021/509. The technical, financial and detailed nature of the measures to be adopted requires the Commission service that handles them to have an in-depth knowledge and understanding of budget implementation. Those measures can therefore be considered as management or administrative measures of a technical and repetitive nature, taken within the limits of the applicable legal framework, where the margin for manoeuvre for the Commission is normally very limited. It is therefore appropriate to empower the High Representative for Foreign Affairs and Security Policy in the capacity of Vice-President of the Commission, and to delegate directly to the Head of Department of the FPI, as appropriate, to adopt those measures on behalf of the Commission.
- (22) Pursuant to Decision (CFSP) 2021/509 the budgets and other acts approved by the Facility Committee are signed by the Chair and by the respective administrator for the matters pertaining to his or her responsibilities of financial implementation.

- (23) Pursuant to Decision (CFSP) 2021/509 the administrator for assistance measures should report on the financial implementation of the annual and amending budgets, as carried out by the responsible administrator and after their approval by the Facility Committee.
- (24) Pursuant to Decision (CFSP) 2021/509 the administrator for assistance measures can decide on the transfer of appropriations or should seek the prior approval of the Facility Committee, under precise conditions set out therein.
- (25) Pursuant to Decision (CFSP) 2021/509 the administrator for assistance measures can decide on the carry-over of commitment and payment appropriations or should make a proposal to the Facility Committee, under precise conditions set out therein.
- (26) Pursuant to Decision (CFSP) 2021/509 the administrator for assistance measures should submit, to the Facility Committee, the early forecasting for contributions and payments, which should take into account the estimated needs for implementing the draft budget as well as other future or expanding assistance measures.
- (27) Pursuant to Decision (CFSP) 2021/509 the administrator for assistance measures should propose the amount of the minimum deposit for urgent measures to the Facility Committee for its decision and revision as necessary. The minimum deposit should be used to provide early financing where sufficient funds are not available and the ordinary procedure for collecting contributions would not allow for those needs to be met in good time. Decision (CFSP) 2021/509 also regulates the timing and amount that the administrator for assistance measures needs to observe when managing the minimum deposit. Where the Council approves an urgent measure, and it is necessary to resort to the minimum deposit, the administrator responsible should dispatch a call for Member States contributions at the level of the cost of the urgent measure authorised by the Council. This leaves no or very limited margin of appreciation to the administrator for assistance measures when managing the minimum deposit.
- (28) Pursuant to Decision (CFSP) 2021/509, the administrator for assistance measures should acknowledge receipt of the contributions called, as part of the tasks of financial implementation and accountancy, and should set out the conditions for repaying them to the Member States.
- (29) Pursuant to Decision (CFSP) 2021/509 the administrator should advise on, at the stage of preparation of an assistance measure, and later on confirm to the Council, prior to their designation, the capacity of possible implementing actors – whether or not falling in the categories in Article 33(2) of Decision (CFSP) 2021/509 - to implement an assistance measure or parts thereof under indirect management and where relevant, the capacity of a recipient of a grant awarded without a call for proposals to implement the grant, and should indicate to the Council any other possible ways of implementing the measure when such capacity cannot be confirmed. In this regard Decision (CFSP) 2021/509 requires that the necessary assessments of the capacity of possible implementing actors to implement expenditure financed under the Facility are carried out, refers to the need to consider remedial measures in case of specific limitations of this capacity and requires the administrator to take all necessary measures and controls to ensure the sound financial management of the Facility when no assessment of the capacity is performed.

- (30) Measures under recitals (22) to (29) concern budget implementation. It is therefore appropriate to grant a delegation in respect of financial matters to the Head of Department of the FPI to adopt financial measures on behalf of the Commission.
- (31) Unless expressly prohibited in this Decision, powers conferred by empowerment may be sub-delegated to a Director-General or to a Head of Department, in accordance with the provisions and principles defined in the Commission's Rules of Procedure and the Rules giving effect to them.
- (32) Powers delegated to a Director-General or to a Head of Department cannot be delegated further, with the exception of the cases referred to in Article 15 of the Rules of Procedure.
- (33) A measure should only be adopted after all Commission departments with a legitimate interest in the envisaged measure have agreed and the Legal Service has approved the proposed measure.
- (34) Where, in view of its implications, an envisaged measure cannot be considered a management or administrative measure within the meaning of Articles 13 and 14 of the Rules of Procedure, it should be adopted by the Commission. In case of doubt, the empowered Member or the delegated Head of Department should consult the President. The departments responsible for preparing decisions to be taken under the empowerment or delegation in this Decision should indicate to the empowered Member or to the delegated Head of Department whether, in their opinion, the decision is a matter of routine management or whether there are any particular data or circumstances that should be taken into account.
- (35) The same rules as the recital above should apply in the performance of the budgetary and financial tasks of the administrator, the accounting officer and the internal auditor for assistance measures of the Facility. The Commission may always exercise the powers it has delegated, either on its own initiative or at the request of the authorising officer by delegation.
- (36) Every time that the powers conferred by this empowerment and delegation are to be exercised, the adoption sheet of the IT system dedicated to the decision-making process of the Commission ('Decide') should contain a reference to it.
- (37) The empowered Member of the Commission and the Head of Department should be accountable to the Commission for ensuring compliance with the conditions and rules under which the conferred powers are exercised.
- (38) The Secretary-General will check the decisions adopted under the empowerment procedure and in particular monitor the correct application of the conditions and rules of exercise before a draft decision is submitted to the empowered Member for signature. By signing the certifying statement provided for in Article 17(3) of the Rules of Procedure, the Head of Department certifies that the conditions relating to the decisions to be adopted have been complied with.
- (39) The necessary measures should be taken to ensure that the principle of collective responsibility is respected. In particular, any measure which is adopted using the powers conferred by this Decision should be brought to the notice of the Commission on the first working day following its adoption.

- (40) The Commission regularly assesses the appropriateness of maintaining the powers it has granted. The validity of the empowerment and delegation of powers provided for in this Decision should therefore be limited to a period of seven years. This should not prevent this Decision being amended before its expiry date, should the need for this emerge from the actual implementation.
- (41) The empowerment and the delegation of powers provided for in this Decision are without prejudice to the possibility for the Commission to adopt itself a measure referred to in this Decision. They should also not prevent the Commission from giving additional instructions to the empowered Member or the delegated Head of Department,

HAS DECIDED AS FOLLOWS:

CHAPTER I

General provisions

Article 1

Acceptance by the Commission of roles under the European Peace Facility

The Commission accepts to perform the roles of an administrator for assistance measures, an accounting officer for assistance measures and an internal auditor for assistance measures of the European Peace Facility (“the Facility”) as set out in Article 12, Article 13 and Article 41 of Decision (CFSP) 2021/509.

Article 2

Designation of relevant Commission services

1. The Commission shall perform the tasks of an administrator for assistance measures of the Facility via the Head of Department of the Service for Foreign Policy Instruments (“FPI”). The Head of Department of the FPI shall act in compliance with the rules on delegation of powers for taking measures relating to the tasks of the administrator for assistance measures as provided in Chapter II of this Decision.
2. The accounting officer of the Commission shall act as the accounting officer for assistance measures of the Facility. The Commission Decision on the Internal Rules on the implementation of the general budget of the European Union (European Commission section) for the attention of the Commission departments shall apply *mutatis mutandis* to the performance of the tasks of the accounting officer.
3. The Internal Audit Service of the Commission shall act as the internal auditor for assistance measures of the Facility. The Communication to the Commission on the mission charter of the Internal Audit Service of the European Commission shall apply *mutatis mutandis* to the performance of the tasks of the internal auditor, in accordance with Articles 118 to 122 of Regulation (EU, Euratom) 2018/1046 until a specific mission charter is adopted by the Commission.

Article 3

Requirements for the performance of the roles by the Commission and relevant Commission services

1. When performing the role of an administrator for assistance measures of the Facility, the Commission shall apply Article 41(2) TEU as precluding the funding of actions having military or defence implications by the Union budget.
2. When performing the roles of administrator, accounting officer and internal auditor for assistance measures, the Commission shall apply the rules for the implementation of expenditure financed under the Facility concerning assistance measures to be adopted by the Facility Committee pursuant to Article 11(6) of Decision (CFSP) 2021/509, as long as such rules respect the institutional prerogatives of the Commission, the principles of sound financial management, transparency and non-discrimination, as those enshrined in Regulation (EU, Euratom) 2018/1046, and fundamental rights.

The Head of Department of the FPI, the accounting officer of the Commission and/or the Internal Audit Service of the Commission shall promptly bring the matter to the attention of the President, as well as to the High Representative for Foreign Affairs and Security Policy in the capacity of Vice-President of the Commission, the Commissioner in charge of Budget, and the Commissioner for Justice, respectively, should they consider that in a given case they are not in a position to implement their tasks in respect of the requirements of the first subparagraph. The President, after consulting the three other Members of the Commission may put the point on the agenda of a Commission meeting.

3. When performing the roles of administrator, accounting officer and internal auditor for assistance measures of the Facility, the Commission shall apply Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, unless Decision (CFSP) 2021/509 or the rules for the implementation of expenditure financed under the Facility concerning assistance measures, as referred to in Article 11(6)(b) of Decision (CFSP) 2021/509, provide otherwise.

CHAPTER II

Empowerment and delegation of powers relating to the tasks of the administrator for assistance measures

SECTION 1

EMPOWERMENT TO THE HIGH REPRESENTATIVE FOR FOREIGN AFFAIRS AND SECURITY POLICY IN THE CAPACITY OF VICE-PRESIDENT OF THE COMMISSION

Article 4

Scope of the empowerment

The High Representative for Foreign Affairs and Security Policy in the capacity of Vice-President of the Commission may adopt the following measures on behalf of the Commission and under its responsibility, subject to the conditions laid down in Articles 9 to 12:

- (I) Commission financing decisions necessary to implement urgent measures approved by the Council, pending a decision on an assistance measure, in compliance with Article 58 of Decision (CFSP) 2021/509 and within the limit of the authorised costs;
- (II) Commission financing decisions necessary to implement a Council decision establishing an annual or multi-annual assistance measure in the form of a specific measure or a general programme adopted pursuant to Article 59 of Decision (CFSP) 2021/509, as well as the amendments to those decisions.

Article 5

Possibility for sub-delegation

The powers to adopt the measures referred to in Article 4, point (II) may be sub-delegated to the Head of Department of the FPI.

SECTION 2

DELEGATION OF POWERS TO THE HEAD OF DEPARTMENT OF THE SERVICE FOR FOREIGN POLICY INSTRUMENTS

Article 6

Scope of the decisional delegation

The Head of Department of the FPI may take the following measures on behalf of the Commission and under its responsibility, subject to the conditions laid down in Articles 9 to 12:

- (I) drawing up and submitting to the Facility Committee the titles of the draft annual budget and amending budgets for which the administrator for assistance measures is responsible, pursuant to Article 12(6)(a), Article 18 and Article 43(6) of Decision (CFSP) 2021/509;

- (II) submitting to the Facility Committee the following reports pertaining to the responsibilities of the administrator for assistance measures:
- (a) the regular financial reports established every three months with the support of the accounting officer for assistance measures, as referred to in Article 38 of Decision (CFSP) 2021/509;
 - (b) the yearly report on the internal audit work referred to in Article 41(6) of Decision (CFSP) 2021/509,
 - (c) the annual activity report as referred to in Article 43(1) of Decision (CFSP) 2021/509;
- (III) providing the part on the financial implementation of assistance measures of the report referred to in Article 63 of Decision (CFSP) 2021/509.

Article 7
Delegation of powers of authorising officer

The Head of Department of the FPI shall act as an authorising officer by delegation of the Commission with respect to the budget under the responsibility of the administrator for assistance measures pursuant to Decision (CFSP) 2021/509.

The Commission Decision on the Internal Rules on the implementation of the general budget of the European Union (European Commission section) for the attention of the Commission departments shall apply *mutatis mutandis* to the performance by the Head of Department of the FPI of the tasks of authorising officer by delegation.

Article 8
Other financial delegation

The Head of Department of the FPI may take the following measures concerning budget implementation on behalf of the Commission and under its responsibility:

- (I) co-signing with the Chair of the Facility Committee the budgets and other acts approved by the Facility Committee for the matters pertaining to the responsibilities of the administrator for assistance measures pursuant to Article 11(18) of Decision (CFSP) 2021/509;
- (II) reporting to the Facility Committee on the annual and amending budgets under the responsibility of the administrator for assistance measures after their approval by the Facility Committee pursuant to Article 12(6)(b) of Decision (CFSP) 2021/509;
- (III) making transfers of appropriations related to the titles of the budget for which the administrator for assistance measures is responsible, in accordance with Article 20 of Decision (CFSP) 2021/509;
- (IV) taking decisions on the carry-over of commitment and payment appropriations or proposing to the Facility Committee such decisions, pursuant to Article 21 of Decision (CFSP) 2021/509;

- (V) presenting to the Facility Committee the early forecasting for the contributions related to the titles of the budget pertaining to the responsibilities of the administrator for assistance measures and contributing to the forecast for the ceiling for payments, pursuant to Article 25 of Decision (CFSP) 2021/509;
- (VI) proposing to the Facility Committee the amount of the minimum deposit for urgent measures and revisions thereof, as well as managing such minimum deposit pursuant to Article 28 of Decision (CFSP) 2021/509;
- (VII) acknowledging receipt of the contributions called for by the administrator for assistance measures, as well as repaying them to the Member States concerned where reimbursements are due, pursuant to Article 29 of Decision (CFSP) 2021/509;
- (VIII) providing advice and confirmation to the Council about the capacity of possible implementing actors – whether or not falling in one of the categories in Article 33(2) of Decision (CFSP) 2021/509 - to implement an assistance measure or parts thereof in indirect management and on the capacity of a recipient of a grant to be awarded without a call for proposals to implement the grant, and indicating to the Council any other possible ways of implementing the measure when such capacity cannot be confirmed, pursuant to Article 33(3) and (5) of Decision (CFSP) 2021/509.

*Article 9
Interservice consultation*

The approval of the Legal Service and the agreement of the Secretariat-General, the Directorate-General for Budget and of the associated Commission departments as appropriate, shall be required for the adoption of the measures referred to in Articles 4 and 6.

The time allowed for consultation of those services shall be determined in accordance with point 23-4.2 of the Rules giving effect to the Rules of Procedure.

*Article 10
Accountability*

The empowered Member of the Commission and the delegated Head of Department shall, in the exercise of the powers conferred by this Decision, be accountable to the Commission for ensuring compliance with the Rules of Procedure and the Rules giving effect to the Rules of Procedure, and with the conditions laid down in this Decision.

*Article 11
Arrangements for the exercise of powers*

The powers conferred in Articles 4 and 6 of this Decision shall not be exercised when, in view of its implications, an envisaged measure cannot be considered as a management or administrative measure as referred to in Articles 13 and 14 of the Rules of Procedure. In case of doubt, the President shall be consulted.

The Commission may always exercise the powers it has delegated under Articles 7 and 8 of this Decision, either on its own initiative or at the request of the authorising officer by delegation.

Article 12
Continuity

The powers conferred by Article 4 of this Decision on the High Representative for Foreign Affairs and Security Policy in the capacity of Vice-President of the Commission may, where necessary, be exercised under the same conditions by another Member of the Commission.

The powers conferred by this Decision on the Head of Department may, where the Head of Department is prevented from exercising his or her functions, be exercised under the same conditions by the Commission official deputising for the Head of Department in accordance with Article 27(1) of the Rules of Procedure.

CHAPTER III
Final provisions

Article 13
Information

In line with Articles 12, 13 and 41 of Decision (CFSP) 2021/509, the Commission shall inform the Council of its Decision to accept the roles of administrator, accounting officer and internal auditor for assistance measure of the Facility. The Commission, in accordance with its existing obligations under the Treaties, shall also inform the European Parliament.

Article 14
Application

This Decision shall apply from 24 March 2021 to 23 March 2028.

Done at Brussels, 24.3.2021

For the Commission
Ursula VON DER LEYEN
The President