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C(2023) 1119 final

COMMISSION IMPLEMENTING DECISION

of 22.2.2023

on the financing of the Programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European Statistics and the adoption of the work programme for 2023-2024

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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 Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing the Programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014², and in particular Article 16 thereof,

Having regard to Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics³, and in particular Article 17 thereof,

After consulting the Consumer Financial Programme Committee under advisory procedure established by Article 21(2) of Regulation (EU) 2021/690,

Whereas:

- (1) In order to ensure implementation of the Programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme), it is necessary to adopt a multi-annual financing decision, which constitutes the annual work programme for years 2023-2024.
- (2) The ‘European Innovation Council and SME Executive Agency’ established by Commission Implementing Decision C(2021) 953⁴ final, will be entrusted with

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 153, 3.5.2021, p. 1.

³ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics (OJ L 87, 31.3.2009, p. 164).

⁴ Commission Implementing Decision C(2021) 953 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU.

management and programme implementation tasks relating to the competitiveness of enterprises, particularly SMEs, supporting their access to markets; European standardisation (excluding in relation to financial and non-financial reporting and auditing standards as well as the promotion of innovation and development of best practices in corporate reporting) and Consumer protection.

- (3) The European Health and Digital Executive Agency established by Implementing Decision C(2021) 953 will be entrusted with management and programme implementation tasks relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.
- (4) In order to ensure the implementation of the Single Market Programme, the Commission adopted Implementing Decision C(2021) 3046 covering years 2021 to 2024 for certain actions under budget line 03.0202, which is using commitments in instalments. The appropriations already foreseen for that line in Decision C(2021) 3046 should not be accounted for in this financing decision.
- (5) In order to ensure the implementation of the Single Market Programme, it is necessary to adopt a multi-annual financing decision, which constitutes the work programme for 2023 and 2024 set out in Annex III . This financing decision needs to be multi-annual to cover actions under budget line 03.020401 which is using commitments in instalments for 2023 and 2024.
- (6) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures⁵ adopted pursuant to Article 215 of the Treaty.
- (7) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (8) Pursuant to Article 62(1), point (c), of the Financial Regulation, indirect management is to be used for the implementation of parts of the programme.
- (9) 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 and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (10) 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.
- (11) In order to allow for flexibility in the implementation of the work programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (12) In accordance with Article 24(4) of Regulation (EU) 2021/690, if duly justified, activities and costs in grants financed under this Decision should be eligible from the beginning of the 2023 financial year, even if implemented and incurred before the grant application was submitted. The same rules apply, *mutatis mutandis*, to the eligibility of activities and costs under indirect management.

⁵ 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.

- (13) The measures provided for in Annex II to this Decision, which concern the specific objective referred to in Article 3(2), point (b) of Regulation (EU) 2021/690, improving the competitiveness of enterprises, particularly SMEs, are in accordance with the opinion of the Committee established by Article 21(1) of that Regulation.
- (14) In relation to the measures provided for in Annex IV to this Decision, which concern the specific objective referred to in Article 3(2), point (e), of Regulation (EU) 2021/690, contributing to a high level of health for humans, animals and plants along the food chain and in related areas, the Standing Committee on Plants, Animals, Food and Feed has not delivered an opinion within the time limit laid down by its Chair. This implementing act was deemed to be necessary and the Chair submitted it to the appeal committee for further deliberation. The appeal committee did not deliver an opinion.

HAS DECIDED AS FOLLOWS:

Article 1

The work programmes

The multi-annual financing decision, constituting the following work programmes for the implementation of the Single Market Programme as set out in the Annexes, is hereby adopted:

- the (annual) work programme implementing the specific objectives of making the internal market, including for financial services, more effective, company law, including anti-money laundering, contract and extra-contractual law, standardisation and support for competition policy, customs and taxation, and consumers and end-users in financial services is set out in Annex I.
- the (annual) work programme implementing the specific objective of improving the competitiveness of enterprises, particularly SMEs, and supporting their access to markets is set out in Annex II.
- The (multi-annual) work programme implementing the specific objective of promoting consumers interests and ensuring a high level of consumer protection and product safety is set out in Annex III.
- the (annual) work programme implementing the specific objective of contributing to a high level of health for humans, animals and plants along the food chain and in related areas is set out in Annex IV.
- the (annual) work programme implementing the specific objective of producing and communicating high quality statistics on Europe in a timely, impartial and cost-efficient manner, through enhanced partnerships within the European Statistical System is set out in Annex V.

Article 2

Union contribution

The maximum Union contribution for the implementation of the Single Market Programme for 2023 is set at EUR 497 816 632 and shall be financed from the appropriations entered in the following lines of the general budget of the Union for 2023⁶:

- (a) budget line 03.020101 “Operation and development of the internal market of goods and services”: EUR 25 133 447;
- (b) budget line 03.020102 “Internal Market Governance Tools”: EUR 5 784 666;
- (c) budget line 03.020103 “Taxud regulatory work support – Implementation and development of the internal market”: EUR 3 350 000;
- (d) budget line 03.020104 “Company Law”: EUR 1 080 765;
- (e) budget line 03.020105 “Competition policy for a stronger union in the digital age”: EUR 20 584 971;
- (f) budget line 03.020106 “Implementation and development of the internal market for financial services”: EUR 5 619 978;
- (g) budget Line 03.020107 “Market Surveillance : EUR 14 913 528;
- (h) budget line 03.0202 “Improving the competitiveness of enterprises, particularly SMEs, and supporting their access to markets”: EUR 64 387 051;
- (i) budget line 03.020301 “European standardisation”: EUR 23 567 000;
- (j) budget line 03.020302 “International financial and non-financial reporting and auditing standards”: EUR 8 980 643;
- (k) budget line 03.020401 “Ensuring a high level of consumer protection and product safety”: EUR 49 093 493
- (l) budget line 03.020402 “The participation of end users in financial services policy making”: EUR 1 497 841;
- (m) budget line 03.0205 “Producing and disseminating high quality statistics in Europe”: EUR 91 204 250;
- (n) budget line 03.0206 “Contributing to a high level of health and welfare for humans, animals and plants”: EUR 182 619 000;

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

The amount foreseen for the actions covered by the budget lines referred to in points (a), (b), (d) to (h) and (j) to (m) contains appropriations received from the Member States of the European Free Trade Association totalling EUR 7 233 678. For 2024, the amounts are estimates and are subject to further changes.

The amount mentioned in point (m) of the first paragraph also includes other external assigned revenues totalling EUR 13 840 742, based on the Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics⁷.

⁶ EUR 65,7 million in commitment appropriations for budget line 03.0202 are already accounted for in previous Financing Decisions.

The implementation of this Decision for 2024 is subject to the availability of the appropriations provided for in the Budget of the Union for 2024, following the adoption of that Budget by the budget authority.

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 the Annexes where such actions are included.

Article 4

Flexibility clause

Cumulated changes to the allocations to specific actions not exceeding 20% of the maximum Union contribution set in Article 2, first paragraph, of this Decision shall not be considered to be substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046, where those changes do not significantly affect the nature of the actions and the objective of the work programme. The increase of the maximum Union contribution as well as the increase of Union contribution for each budget line referred to in Article 2, first paragraph, of this Decision shall not exceed 20%.

The authorising officers responsible for the budget lines referred to in Article 2, first paragraph, may apply the changes referred to in the first paragraph of this Article. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

The transfer between budget lines shall be agreed between authorising officers responsible for those lines.

Article 5

Grants

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, according to Article 195 of the Financial Regulation (EU) No 2018/1046.

Done at Brussels, 22.2.2023

For the Commission

Thierry BRETON

Member of the Commission

⁷ OJ L 90, 28.3.2006, p. 2.