STATE CHANCELLERY
OF THE REPUBLIC OF MOLDOVA

STATE CHANCELLERY OF
THE REPUBLIC OF MOLDOVA

No 26-79-5320 Chisinau 16 May 2024

Subject: Modification of the Financing Agreement for Cross-Border Cooperation Programme "Black Sea Basin" 2014-2020 from the European Neighbourhood Instrument, signed between the Republic of Moldova, Romania and the European Union (Financing Agreement) CCI: 2014TC16M6CB001

Themis CHRISTOPHIDOU
Director-General
Directorate-General
Regional and Urban Policies
European Commission

Your Excellency,

I have the honour to acknowledge the receipt of Your letter No. ARES (2024) 879096 dated 6 February 2024, which stated the following:

"On 9 November 2022, the European Parliament and the Council adopted Regulation (EU) 2022/2192 laying down specific provisions for the 2014-2020 cooperation programmes supported by the European Neighborhood Instrument and under the European territorial cooperation goal, following programme implementation disruption. This Regulation was adopted to facilitate the continued implementation of territorial cooperation programmes after the Russia war of aggression against Ukraine.

In line with the modification of the legal framework, the Joint Operational Programme was adjusted. Therefore, I would like to initiate the amendment of the Financing Agreement.

Please see the full scope of the proposal amendment to both Specific and General Conditions of the Financing Agreement in Annex I to this letter.

In line with Article 10 of the Special Conditions of the Financing Agreement I would like

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to ask all parties to accept the proposed amendment by replying to this letter (amendment in a form of an exchange of letters).

Annex I: Amendment proposed to the Financing Agreement (Black Sea Basin ENI CBC programme 2014-2020)

New text in **bold.**

Deleted text in ~~strikethrough.~~

Article and comments	*Amended text*
	Special Conditions
Article 2 – Total Estimated Cost and Union's Financial Contribution (allowing for no co-financing to the Union contribution)	*2.3 Co-financing shall amount to at least 10 % of the Union contribution to the programme and shall be presented in the Programme (Annex II), **unless the programme uses the option of no mandatory co-financing to the Union contribution for certain accounting years.***
Article 6 Addresses (new text to replace contact details for letter b: Partner country).	***b) for the CBC Partner Country*** ***State Chancellery of the Republic of Moldova*** ***Government Building, 1, Piata Marii Adunări Naționale str.*** ***Chisinau MD 2033*** ***Republic of Moldova***
	General Conditions
Article 3 Execution period (paragraph 1 defining certain deadlines for programmes' implementation)	*3.1 The execution period of this Financing Agreement shall comprise the following phases:* *(a) a project implementation phase ending at 31 December 2023 at the latest. Contracts for large infrastructure projects selected through direct award shall be signed and contribution to financial instruments shall be provided before 30 June 2019. Contracts for all other projects shall be signed before 31 December ~~2023~~ **2023**. All project activities financed by the Programme shall end by that date at the latest;* *(b) a technical assistance phase ending on 30 September 2024. All technical assistance activities financed by the Programme shall end by that date at the latest;* *(c) a closure phase, including the financial closure of all contracts concluded under the Programme, the payment or reimbursement of the final balance and the de-commitment of the remaining appropriations. Without prejudice to Article 19(3) of Implementing Regulation (EU) No 897/2014, this phase shall end on 31 December 2025 at the latest. Activities linked to the closure of the Programme may be carried out until 15 February 2025. The Managing Authority shall submit a final report approved by the Joint Monitoring Committee by 15 February 2025 **or any other date agreed by the Commission.***

Article 7 Execution period (paragraph 3 aligning de -commitment period to Article 19(3) of the ENI CBC Implementing Regulation)	***3.3 The Commission shall automatically de commit any portion of a budgetary commitment for a Programme for which:*** ***(a) all contracts concluded under the programme have been closed;*** ***(b) the final balance has been paid or reimbursed;*** ***(c) remaining appropriations have been de-committed by the Commission.***

Annex II mentioned in the Article 8.1 (c) of the special conditions (the Joint Operational Programme of the Black Sea Basin ENI CBC programme) shall be considered adjusted to version 5.0 approved by written procedure by the Joint Monitoring Committee on 21 December 2023."

I have further the honour, on behalf of the State Chancellery, to confirm the acceptance of the Government of the Republic of Moldova to amend Articles 2 and 6 of the Special Conditions, Article 3 of the General Conditions and Annex II mentioned in the Article 8.1 (c) of the Special Conditions of the Financing Agreement between the Government of the Republic of Moldova, the European Union and the Ministry of Regional Development and Public Administration of Romania on the Joint Operational Programme Black Sea Basin 2014 - 2020 for the European Neighbourhood Instrument (ENI) Cross-Border Cooperation Programme for 2014-2020 signed in Chisinau on 12 of December 2016.

In addition, I confirm that the Government of the Republic of Moldova accepts that Your letter together with the letters of reply will constitute the Amendment No 2 to the Financing Agreement between the Government of the Republic of Moldova, the European Union and the Ministry of Regional Development and Public Administration of Romania on the Joint Operational Programme Black Sea Basin 2014-2020, for the European Neighbourhood Instrument (ENI) Cross-Border Cooperation Programme for 2014-2020 signed in Chisinau on 12 of December 2016, which will enter into force on the date of receipt by the European Commission of the written notification from the Government of the Republic of Moldova of the completion of necessary domestic procedures for the entry into force of this Amendment.

I take this opportunity to express Your Excellency with the highest consideration.

Sincerely yours,

Artur MIJA
Secretary General of the Government

MINISTRY OF DEVELOPMENT, PUBLIC WORKS AND ADMINISTRATION

Minister Cabinet
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Nr. 50656/11.03.2024

To Mr.: Artur MIJA, Secretary general of the Government
State Chancellery of the Republic of Moldova

Ref: Amendment of the Financing Agreement for the Joint Operational Programme Black Sea Basin 2014-2020

Dear Mr. Mija,

As a result of your letter no. 26-79-2405 of 01.03.2024, we would like to inform you that we agree with the amendment of the Financing Agreement for the Joint Operational Programme Black Sea Basin 2014-2020, according to the proposals sent by the European Commission through letter no. Ares(2024)8790096 from 06.02.2024.

At the same time, we inform you that we have also already sent our agreement to the European Commission.

Sincerely Yours,

Adrian-Ioan VEȘTEA

Minister of Development, Public Works and Administration

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
REGIONAL AND URBAN POLICY

The Director-General

ARES (2024) [illegible]

06 FEV. 2024

Brussels
regio.d.1(2024)236673/AA

Subject: Modification of the Financing Agreement for European Neighbourhood Instrument Cross Border Cooperation Programme "Black Sea Basin" 2014-2020, signed between the Republic of Moldova, Romania and the European Union (Financing Agreement)
CCI: 2014TC16M6CB001

Dear Mr Mija

On 9 November 2022, the European Parliament and the Council adopted Regulation (EU) 2022/2192 laying down specific provisions for the 2014-2020 cooperation programmes supported by the European Neighbourhood Instrument and under the European territorial cooperation goal, following programme implementation disruption. This Regulation was adopted to facilitate the continued implementation of the territorial cooperation programmes after the Russian war of aggression against Ukraine.

In line with the modification of the legal framework, the Joint Operational Programme was adjusted. Therefore, I would like to initiate the amendment of the Financing Agreement.

Please see the full scope of the proposed amendment to both Specific and General Conditions of the Financing Agreement in Annex I to this letter.

In line with Article 10 of the Special Conditions of the Financing Agreement I would like to ask all parties to accept the proposed amendment by replying to this letter (amendment in a form of exchange of letters).

Yours sincerely

Themis Christophidou

Annex I: Scope of the proposed amendment to the Financing Agreement

c.c.: Emilia Cebotari, Head of External Assistance and European Funds Coordination Department, State Chancellery of the Republic of Moldova

Mr Artur Mija
Secretary General of the Government of the Republic of Moldova
State Chancellery
1, Piața Marii Adunări Naționale Street
Chisinău
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Annex I: Amendment proposed to the Financing Agreement (Black Sea Basin ENI CBC programme 2014-2020)

New text in **bold**.

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Article and comments	Amended text
	Special Conditions
Article 2- Total Estimated Cost and Union's Financial Contribution (allowing for no co-financing to the Union contribution)	2.3 Co-financing shall amount to at least 10% of the Union contribution to the programme and shall be presented in the Programme (Annex II), **unless the programme uses the option of no mandatory co-financing to the Union contribution for certain accounting years.**
Article 6 Addresses (new text to replace contact details for letter b: Partner Country).	**b) for the CBC Partner Country** **State Chancellery of the Republic of Moldova** **Government Building, 1, Piata Marii Adunari Nationale Str.** **Chisinau MD 2033** **Republic of Moldova**
	General Conditions
Article 3 Execution period (paragraph 1 defining certain deadlines for programmes' implementation)	3.1 The execution period of this Financing Agreement shall comprise the following phases: (a) a project implementation phase ending at 31 December 2023 at the latest. Contracts for large infrastructure projects selected through direct award shall be signed and contribution to financial instruments shall be provided before 30 June 2019. Contracts for all other projects shall be signed before 31 December ~~2022~~ **2023**. All project activities financed by the Programme shall end by that date at the latest; (b) a technical assistance phase ending at 30 September 2024. All technical assistance activities financed by the Programme shall end by that date at the latest; (c) a closure phase, including financial closure of all contracts concluded under the Programme, the payment or reimbursement of the final balance and the de-commitment of remaining appropriations. Without prejudice to Article 19(3) of Implementing Regulation (EU) No 897/2014, this phase shall end on 31 December 2025 at the latest. Activities linked to the closure of the Programme may be carried out until 15 February 2025. The Managing Authority shall submit a final report approved by the Joint Monitoring Committee by 15 February 2025 **or any other date agreed by the Commission.**

Article 3 Execution period (paragraph 3 aligning de-commitment period to Article 19(3) of ENI CBC Implementing Regulation)	**3.3. The Commission shall automatically de-commit any portion of a budgetary commitment for a Programme for which:** **(a) all contracts concluded under the programme have been closed;** **(b) the final balance has been paid or reimbursed;** **(c) remaining appropriations have been de-committed by the Commission.**

The Annex II mentioned in the Article 8.1(c) of the special conditions (the Joint Operational Programme of the Black Sea Basin ENI CBC programme) shall be considered adjusted to the version 5.0 approved by written procedure by the Joint Monitoring Committee on 21 December 2023.