EUROPEAN
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Brussels, 15.12.2021
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COMMISSION IMPLEMENTING DECISION

of 15.12.2021

awarding a financial contribution from the European Union Solidarity Fund to finance emergency and recovery operations following the major public health emergency caused by the COVID-19 pandemic in Spain in early 2020

CCI 2020ES16SPO002

(ONLY THE SPANISH TEXT IS AUTHENTIC)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund[1], and in particular Article 4(4) thereof,

Whereas:

(1) On 27 May 2020 Spain submitted a preliminary application and on 23 June 2020 a final application for a contribution from the European Union Solidarity Fund ('EUSF') to finance emergency and recovery operations following the public health emergency of early 2020.

(2) The health emergency is a major public health emergency within the meaning of paragraphs 1 and 2a of Article 2 of Regulation (EC) No 2012/2002.

(3) The application was submitted on 27 May 2020, within the twelve-week period after 14 March 2020, which corresponds to the date on which the public authorities took the first official action against the emergency and contains all the information required under Article 4 of Regulation (EC) No 2012/2002. The information contained in this application was completed by additional information received on 30 November 2020 and 18 January 2021.

(4) On the basis of the assessment carried out in accordance with Article 4 of Regulation (EC) No 2012/2002, the Commission has concluded that the conditions for providing a financial contribution from the EUSF are met. The Commission has identified certain expenditures that are not eligible and therefore were excluded from the total accepted amount of public expenditures for emergency response and recovery operations and determined the amount of the financial contribution from the EUSF at EUR 53 483 861.

(5) By Implementing Decision C(2020) 8696 of 2 December 2020, the Commission has awarded an advance to Spain and has paid it out on 15 December 2020, in accordance

[1] Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund (OJ L 311, 14.11.2002, p. 3) as amended by Regulation (EU) No 661/2014 of the European Parliament and the Council of 15 May 2014 (OJ L 189, 27.6.2014, p. 143) and by Regulation (EU) 2020/461 of the European Parliament and the Council of 30 March 2020 (OJ L 99, 31.3.2020, p. 9).

with Article 4a of Regulation (EC) No 2012/2002. This advance should be taken into account prior to paying the balance of the contribution to the beneficiary State.

(6) In accordance with Article 9(3) of Council Regulation (EU, Euratom) 2020/2093[2], the budgetary authority has entered in the budget the appropriations required to finance the contribution from the EUSF.

(7) Pursuant to Article 4(4) of Regulation (EC) No 2012/2002, this Decision constitutes a financing decision within the meaning of Article 110 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council[3].

(8) It is appropriate to fix the date from which expenditure for emergency and recovery operations is eligible in accordance with Article 4(5) of Regulation (EC) No 2012/2002.

(9) In accordance with Article 5(6) of Regulation (EC) No 2012/2002, Spain should designate bodies responsible for the management and financial control of the actions supported by the EUSF.

(10) In accordance with Article 8(3) of Regulation (EC) No 2012/2002, Spain should present an implementation report to the Commission, accompanied by an opinion of an independent audit body.

(11) The financial contribution from the EUSF should therefore be awarded,

HAS ADOPTED THIS DECISION:

Article 1

1. A financial contribution of EUR 53 483 861 from the EUSF is awarded to Spain to finance essential emergency and recovery operations in accordance with Article 3 of Regulation (EC) No 2012/2002 as set out in Annex I to this Decision.

2. An advance of EUR 16 844 420 on the contribution referred to in paragraph 1 has been paid to Spain. Only the balance of the financial contribution shall therefore be paid upon adoption of this Decision.

3. Interest gained on the financial contribution shall be treated as part of that contribution.

Article 2

The eligibility period for expenditure of the operations referred to in Article 1 begins on 14 March 2020, which is the date on which the public authorities took the first official action against the emergency.

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2 Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433I, 22.12.2020, p. 11).

3 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).

Article 3

The implementation of the financial contribution shall be coordinated by the authority designated in point 1 of Annex II to this Decision and carried out by the authorities designated in point 2 of this Annex II, in their respective fields of competence.

Article 4

1. No later than twenty-four months of the date of the disbursement of the contribution, Spain shall present to the Commission the implementation report referred to in Article 8(3) of Regulation (EC) No 2012/2002 with a statement justifying the expenditure. A model for that statement is set up in Annex III to this Decision.

2. The implementation report shall be accompanied by an opinion of an independent audit body on whether the report gives a true and fair view of the contribution, the expenditure incurred is legal and regular in accordance with Article 8(3) of Regulation (EC) No 2012/2002 and whether the management and control system put in place has functioned properly. The audit body designated in point 3 of Annex II to this Decision shall be responsible for establishing the opinion. A model for the audit opinion is provided in Annex IV to this Decision.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 15.12.2021

For the Commission
Elisa FERREIRA
Member of the Commission