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EUROPEAN COMMISSION

Brussels, 21.12.2010
C(2010) 9276 final

COMMISSION DECISION

of 21.12.2010

approving a Special Measure for an action "Support to the Libyan authorities to enhance the management of borders and migration flows" in favour of Libya to be financed under budget line 19 08 01 01 of the general budget of the European Union

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THE EUROPEAN COMMISSION,

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

Having regard to European Parliament and Council Regulation (EC) No 1638/2006 of 24 October 2006 laying down the general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI) and in particular Article 13 thereof,

Whereas:

- (1) For the year 2010 a Country Strategy Paper (CSP) and National Indicative Programme (NIP) had not been developed for Libya;
- (2) The European Commission on 3 June 2005 has been mandated by the European Union Justice and Home Affairs Council to persuade Libyan authorities to agree on developing with the EU a comprehensive framework of dialogue and cooperation encompassing all the issues relevant to migration, border, asylum and mobility.
- (3) The European Council, in its conclusions of 19 June 2009 and 30 October 2009, underlined the need for a significant strengthening of the cooperation with the main countries of origin and transit of irregular migrants, specifically mentioning Libya.
- (4) A joint communiqué was signed by the Commission and the Libyan authorities on 4 October 2010 listing a number of initiatives on which the two parties accept to cooperate and dialogue in field of borders, mobility, migration and asylum. Chapters 3 and 4 of this document concern, in particular, the ensuring of effective management of migration flows and border management.
- (5) The present Decision constitutes a Financing Decision within the meaning of Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget¹ (hereafter 'the Financial Regulation') and Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the

¹ OJEU L 248 of 16.09.2002, p. 1. Regulation last amended by Regulation (EC, Euratom) No 1995/2006 (OJEU L 390, 30.12.2006, p. 1) and by Council Regulation (EC) No^o1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007, p. 9.).

Financial Regulation applicable to the general budget² (hereafter 'the Implementing Rules').

- (6) The maximum contribution of the European Union set by the present Decision should cover any possible claims for interest due for late payment on the basis of articles 83 of the Financial Regulation and 106(5) of its Implementing Rules.
- (7) The Commission is required to define the term “substantial change” in the meaning of Article 90 (4) of the Implementing Rules to ensure that any substantial change in this Decision shall follow the same procedure as the initial Decision.
- (8) The Member States (ENPI Committee) and the European Parliament will be informed after adoption of the Decision by the Commission in accordance with Article 13.4 of Regulation (EC) No 1638/2006,

HAS DECIDED AS FOLLOWS:

Article 1

The special measure in favour of Libya, constituted by the action "*Support to the Libyan authorities to enhance the management of borders and migration flows*", the text of which is set out in the Annex, is approved.

Article 2

The maximum contribution of the Union to the special measure in favour of Libya is set at EUR 10 000 000 to be financed within the limits of the available resources of budget line 19 08 01 01 of the general budget of the European Union for 2010.

This maximum contribution shall also cover any possible interests due for late payment.

Article 3

Cumulated changes of the allocations to the specific action not exceeding 20% of the maximum contribution of the European Union shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the special measure.

The authorising officer by delegation may amend the present Decision to introduce non substantial changes to the special measure in accordance with the principles of sound financial management.

² OJEU L 357 of 31.12.2002, p. 1. Regulation last amended by Regulation (CE, Euratom) No 478/2007 (OJEU L 111, 28.04.2007, p. 13).

Done at Brussels, 21.12.2010

For the Commission
Štefan FÜLE
Member of the Commission

ANNEX

**Action fiche "Support to the Libyan authorities to enhance the management of borders
and migration flows"**