



Brussels, 14.9.2012
C(2012) 6283 final

COMMISSION IMPLEMENTING DECISION

of 14.9.2012

on a Special Measure (Part II) for the ENPI 2012 in favour of the occupied Palestinian territory (West Bank and Gaza Strip) to be financed under article 19 08 01 of the general budget of the European Union

COMMISSION IMPLEMENTING DECISION

of 14.9.2012

on a Special Measure (Part II) for the ENPI 2012 in favour of the occupied Palestinian territory (West Bank and Gaza Strip) to be financed under article 19 08 01 of the general budget of the European Union

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 and in particular Article 13(2) thereof,

Whereas:

- (1) Since 2002 the Commission has set priorities for co-operation with the Occupied Palestinian Territory (West Bank and Gaza Strip) on an ad hoc basis and Article 13 of Regulation (EC) No 1638/2006 provides for the adoption of special measures in the event of unforeseen and duly justified needs or circumstances. Given the difficult situation within the occupied Palestinian territory (West Bank and Gaza Strip), no strategy paper or multi-annual indicative programme has been established covering 2012.
- (2) The criteria set out in Regulation (EC) No 1638/2006 and conditions for the special measure have been fulfilled. The occupied Palestinian territory (West Bank and Gaza Strip) continues to be in a crisis situation, further aggravated by the conflict in Gaza in December 2008 and January 2009 and its consequences as well as by the lack of progress in the Middle East Peace Process.
- (3) The Council of General Affairs and External Relations of 28 January 2008 stated that "The EU is committed to providing substantial financial support for the Palestinian people, and welcomes the work of the Commission to launch a new funding mechanism PEGASE, which will constitute a key channel for EU and other international assistance".
- (4) 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) N° 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007, p. 9).

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

- (5) The present Decision authorises the Authorising Officer by Delegation to sign the agreements by which the Commission acknowledges and accepts the contribution from other donors to this special measure pursuant to Article 18 (1)(aa) of the Financial Regulation and Article 17(3) of the Council Regulation (EC, Euratom) No 1638/2006.
- (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 special measure provided for in this Decision is in accordance with the opinion of the ENPI Committee set up under Article 26 of Regulation (EC) No 1638/2006,

HAS DECIDED AS FOLLOWS:

Article 1

The Special Measure (Part II) for the ENPI 2012 in favour of the occupied Palestinian territory (West Bank and Gaza Strip) constituted by the actions "Land development and basic infrastructure in Area C" (EUR 7,000,000); "Support for the delivery of community services in East Jerusalem" (EUR 8,000,000); "Sustainable management of natural resources in Gaza" (EUR 11,000,000); "Support for the private sector in the West Bank and Gaza Strip" (EUR 11,200,000); "Contribution to UNRWA's 2012 Regular Budget – 2nd tranche" (EUR 11,517,150.18); "Support for governance / rule of law and social sector institutions" (EUR 20,500,000) and "PEGASE 2012: Support for the recurrent expenditure of the Palestinian Authority – Part II" (EUR 31,000,000) the text of which is set out in the attached Annexes, is approved.

Article 2

The maximum contribution of the European Union to this Special Measure (Part II) for the ENPI 2012 in favour of the occupied Palestinian territory (West Bank and Gaza Strip) is set at EUR 100,217,150.18 to be financed within the limits of the available resources of budget line 19 08 01 02 of the general budget of the European Union for 2012.

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

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

Article 3

Cumulated changes of the allocations to the specific actions 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 (Part II) for the ENPI 2012 in favour of the occupied Palestinian territory (West Bank and Gaza Strip). This may include an increase of the maximum contribution of the European Union up to 20%.

The relevant authorising officer may amend the present Decision to introduce non-substantial changes to the Special Measure (Part II) for the ENPI 2012 in favour of the occupied Palestinian territory (West Bank and Gaza Strip) in accordance with the principles of sound financial management.

Done at Brussels, 14.9.2012

For the Commission
Štefan FÜLE
Member of the Commission

ANNEXES

Annex I: Action Fiche for "Land development and basic infrastructure in Area C" (EUR 7,000,000)

Annex II: Action Fiche for "Support for the delivery of community services in East Jerusalem" (EUR 8,000,000)

Annex III: Action Fiche for "Sustainable management of natural resources in Gaza" (EUR 11,000,000)

Annex IV: Action Fiche for "Support for the private sector in the West Bank and Gaza Strip" (EUR 11,200,000)

Annex V: Action Fiche for "Contribution to UNRWA's 2012 Regular Budget – 2nd tranche" (EUR 11,517,150.18)

Annex VI: Action fiche for "Support for governance / rule of law and social sector institutions" (EUR 20,500,000)

Annex VII: Action Fiche for " PEGASE 2012: Support for the recurrent expenditures of the Palestinian Authority – Part II" (EUR 31,000,000)