



Brussels, 11.12.2023
C(2023) 8471 final

COMMISSION IMPLEMENTING DECISION

of 11.12.2023

on the financing of the special measure in favour of Libya for 2023

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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) 2018/1046¹ 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, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947² of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument - Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009, and in particular Article 23(4) thereof,

Whereas:

- (1) In order to ensure the implementation of special measure in favour of Libya for 2023, it is necessary to adopt an annual financing Decision, which constitutes the annual work programme, for 2023.
- (2) The envisaged assistance should comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³.
- (3) The measure provided for in this Decision should contribute to climate mainstreaming in line with Commission Communication ‘The European Green Deal’⁴ and in the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources⁵.
- (4) The objectives pursued by the special measure should improve Libyan water resource management and water sector governance at national and local levels; better align

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 209, 14.6.2021, p.1.

³ 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.

⁴ COM(2019)640 final of 11 December 2019.

⁵ OJ L 433I , 22.12.2020, p. 28.

Libyan workforce skills to the needs of the labour market in the country; strengthen and promote democracy and inclusive democratic processes.

- (5) The situation in Libya remains unpredictable and marked by political instability and armed conflict. A declaration of crisis has been issued in 2011. It was consistently renewed since then and extended again in June 2023. A high level of flexibility and responsiveness is needed to adapt EU programmes to this volatile context. The EU bilateral cooperation with Libya is currently not covered by a Multiannual Indicative Programme. The EU has planned its bilateral cooperation since 2017 through yearly ‘special measures’, rather than through a multiannual programming process. The aim is to allow optimal responses to the rapidly changing situation in the country in order to adapt to unforeseeable circumstances. It is therefore justified to adopt a special measure.
- (6) The action entitled ‘Water Resources Management Facility’ aims to improve Libya water resource management and water sector governance at national and local levels.
- (7) The action entitled ‘EU4SKILLS in Libya: Promoting Skills and Employability for Private Sector Development’ aims to better align Libyan workforce skills to the needs of the labour market in the country.
- (8) The action entitled ‘Support to Governance and Stabilisation in Libya’ aims to strengthen and promote democracy and inclusive democratic processes.
- (9) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (10) Pursuant to Article 62(1), point (c) of the Financial Regulation, indirect management is to be used for the implementation of the measure.
- (11) 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 that 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 Regulation⁶ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (12) 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.
- (13) In order to allow for flexibility in the implementation of the measure, it is appropriate to determine the changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (14) The measure provided for in this Decision is in accordance with the opinion of the NDICI Committee established under Article 45 of Regulation (EU) 2021/947.

⁶ Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide not to require an ex-ante assessment.

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The annual financing Decision, constituting the annual work programme for the implementation of the special measure in favour of Libya for 2023, as set out in the annexes, is adopted.

The measure shall include the following actions:

- Water Resources Management Facility set out in Annex I;
- EU4SKILLS in Libya: Promoting Skills and Employability for Private Sector Development set out in Annex II;
- Support to Governance and Stabilisation in Libya set out in Annex III.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2023 is set at EUR 35 000 000, and shall be financed from the appropriations entered in budget line 14.020110 of the general budget of the Union.

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

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 point 4.3.1 of Annexe 1; 4.3.1 of Annex 2 and 4.3.3 of Annex 3.

Article 4
Flexibility clause

Increases⁷ or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in Article 2, first paragraph, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution, as well as extensions of the implementation period shall not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046, provided that these changes do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

⁷These changes can come from external assigned revenue made available after the adoption of the financing Decision.

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 selected in accordance with point 4.3.1.1 of Annex III.

Done at Brussels, 11.12.2023

For the Commission
Olivér VÁRHELYI
Member of the Commission