



Brussels, 12.7.2010
C(2010) 4744 final

COMMISSION DECISION

of 12.7.2010

on a Special Measure (part II) for the ENPI 2010 in favour of West Bank and Gaza Strip to be financed under Article 19 08 01 02 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 13.2 thereof,

Whereas:

- (1) Since 2002 the Commission has set priorities for co-operation with West Bank and Gaza Strip on an ad hoc basis and Article 13 of Regulation (EC) n° 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 West Bank and Gaza, no strategy paper or multi-annual indicative programme has been established covering 2010.
- (2) The criteria set out in Regulation (EC) n° 1638/2006 and conditions for the special measure have been fulfilled. West Bank and Gaza Strip continues to be in a crisis situation, further aggravated by the recent conflict in Gaza in December 2008 and January 2009 and by the lack of progress both at the intra-Palestinian and Israeli-Palestinian negotiations. The measures proposed in this decision aim at providing assistance to the "2-Year Plan for Statehood" of the Palestinian Authority, supported by the EU, and which should be evaluated in August 2011. It is therefore essential to minimise delays in delivering these measures, particularly in the fields of justice and security, both in terms of infrastructure and technical support, in order to maximise the plan's chance of success and thereby contribute in a meaningful way to the Middle East Peace Process.
- (3) The General Affairs and External Relations Council of 10 December 2007 stated that *"The Paris Donors' conference in December will be an important opportunity for the whole international community to back up its commitment to assist in the economic and financial development of a future viable Palestinian State and to provide the necessary support to the post-Annapolis process. In this context, the EU looks forward to the Palestinian Reform and Development Plan"*.
- (4) The General Affairs and External Relations Council 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"*.

- (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 budget of the European Communities¹ and Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget of the European Union².
- (6) The present Decision authorises the relevant authorising officer 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 of the Council Regulation (EC, Euratom) No 1605/2002
- (7) The present decision covers any possible interest due for late payment on the basis of articles 83 of the Council Regulation (EC, Euratom) No 1605/2002 and 106(5) of Commission Regulation (EC, Euratom) No 2342/2002.
- (8) The Commission is required to define the term “substantial change” in the meaning of Article 90 (4) of Regulation (EC, Euratom) No 2342/2002 to ensure that any substantial change in this decision shall follow the same procedure as the initial decision.
- (9) 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 for the ENPI in favour of West Bank and Gaza Strip constituted by the action "PEGASE: Support for Social and Economic Development and Institution-Building (Part II) (EUR 71 million) 2010", the text of which is set out in the Annex, is approved.

Article 2

The maximum contribution of the European Union is set at EUR 71 000 000 to be financed within the limits of the available resources of budget Article 19 08 01 02 of the general budget of the European Union for 2010.

Article 3

Within the global indicative budget of all the specific actions, cumulated changes 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 introduce non substantial changes to the special measure in accordance with the principles of sound financial management.

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.).

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).

Article (4)

The management systems set up by the entities to which the Commission will entrust implementation of EU funds for the actions under "Technical and Vocational Education and Training" and "Sanitation and Waste-water Facility in Gaza" comply with the conditions for the delegation of tasks under indirect centralised management, as indicated in the table(s) attached as Appendices to the concerned action fiches. The financial implementation of tasks related to these actions can thus be entrusted to these entities.

Done at Brussels, 12.7.2010

For the Commission
Štefan FÜLE
Member of the Commission

ANNEXES

Special Measure for the European Neighbourhood Policy Instrument (ENPI) for West Bank and Gaza Strip for 2010 (Part II)

Annex I: Action Fiche for Support for the PA Two-Year Plan for Statehood (€31 million)

Annex II: Action Fiche for PEGASE Infrastructure Facility 2010 (€21 million)

Annex III: Action Fiche for PEGASE Private Sector Development (€11 million)

Annex IV: Action Fiche for support for the delivery of community services in East Jerusalem (€6 million)

Annex V: Action Fiche for support to development programmes implemented through UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (€2 million)