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**COMMISSION IMPLEMENTING DECISION**

**of 12.11.2013**

**on the annual action programme 2013 part 1 in favour of Libya to be financed from the  
general budget of the European Union**

# COMMISSION IMPLEMENTING DECISION

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## on the annual action programme 2013 part 1 in favour of Libya to be financed from 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 the 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<sup>1</sup> (hereinafter referred to as 'the basic act'), and in particular Article 12 thereof, which foresees the adoption of this decision,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup> (hereinafter referred to as 'the Financial Regulation'), and in particular Article 84(2) thereof,

Whereas:

- (1) A revised 2011-2013 National Indicative Programme has been signed on 30 August 2012 with the Libyan government consisting of the "protection of vulnerable people in Libya" programme (protection programme) under priority 1 "Support to the transition process" and the "support to Libya for Economic integration, diversification and sustainable employment" (economic programme) under priority 3 "Increasing the sustainability of economic and social development".
- (2) In line with the two Joint Communications "A partnership for democracy and shared prosperity with the Southern Mediterranean"<sup>3</sup> and "A new response to a changing Neighbourhood"<sup>4</sup>, the annual action programme 2013 in favour of Libya is focusing on democratic transition and institution-building and stronger partnership with the population through the protection programme, and on sustainable and inclusive growth and economic development through the economic programme.
- (3) The different Libyan ministries expressed their interest in concluding a Framework Agreement with the EU. While further discussions should take place, the economic programme offers the possibility to provide the relevant technical expertise to the Libyan government to prepare such an Agreement.
- (4) The objectives pursued by the Annual Action Programme are:
  - to support development and implementation of the planned EU-Libya Framework Agreement;

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<sup>1</sup> OJ L 310, 9.11.2006, p. 1-14.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

<sup>3</sup> COM(2011)200 of 8 March 2011.

<sup>4</sup> COM(2011)303 of 25 May 2011.

- to develop economic opportunities and promote development of a dynamic and diversified Micro Small and Medium Enterprises (MSME) sector in all regions of Libya;
  - to address the protection needs of vulnerable, marginalised and at-risk groups through improvements of prison conditions and increased access to psychosocial rehabilitation and socio-economic integration.
- (5) This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union<sup>5</sup> (hereinafter referred to as 'the Rules of Application').
- (6) The Commission may entrust budget-implementation tasks under indirect centralised management (indirect management with a Member State agency) to the entities identified in this Decision, subject to the conclusion of a delegation agreement. The responsible authorising officer has accordingly ensured that these entities comply with the conditions of Article 56(1) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>6</sup> (hereinafter referred to as 'the Financial Regulation 1605/2002') and of Article 35 of its Implementing Rules<sup>7</sup>.
- (7) The Commission may entrust budget-implementation tasks under joint management (indirect management with an international organisation) to the entities identified in this Decision, subject to the conclusion of a contribution agreement. The responsible authorising officer has ensured that these entities comply with the conditions of Article 53d of the Financial Regulation 1605/2002 and of Articles 35 and 43 of its Implementing Rules<sup>8</sup>.
- (8) It is appropriate to acknowledge that grants may be awarded without a call for proposals by the responsible authorising officer who ensures that the conditions for an exception to a call for proposals according to Article 190 of the Rules of Application are fulfilled. The reasons for and potential beneficiaries of such award should be identified, where known, in this Decision for reasons of transparency.
- (9) The Commission should authorise the eligibility of costs under joint management with the ICRC for the action set out in Annex 2 as of a date preceding that of the adoption of this Decision for the reasons of extreme urgency in crisis management aid. In this case, this retroactivity of eligible costs is because of the urgency to intervene in Libyan

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<sup>5</sup> OJ L 362, 31.12.2012, p. 1.

<sup>6</sup> OJ L 248, 16.9.2002, p. 1. These provisions remain applicable until 31 December 2013 according to Article 212 of the Financial Regulation.

<sup>7</sup> Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. OJ L 357, 31.12.2002, p.1. These provisions remain applicable until 31 December 2013 according to Article 212 of the Financial Regulation.

<sup>8</sup> Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. OJ L 357, 31.12.2002, p.1. These provisions remain applicable until 31 December 2013 according to Article 212 of the Financial Regulation.

prisons on a wider scale with the bringing under central control of unofficial detention facilities since the end of 2012.

- (10) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of the Financial Regulation and Article 111(4) of the Rules of Application.
- (11) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of the Rules of Application to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the 'responsible authorising officer').
- (12) The annual action programme 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*

#### **Adoption of the programme**

The Commission Decision on the annual action programme 2013 part 1 in favour of Libya to be financed from the general budget of the European Union, constituted by the actions identified in the second paragraph, is approved.

The actions, the description of which is set out in the attached Annexes 1 and 2 shall be:

- Support to Libya for Economic Integration, Diversification and Sustainable Employment;
- Protection of vulnerable people in Libya

### *Article 2*

#### **Financial contribution**

The maximum contribution of the European Union authorised by this Decision for the implementation of this programme is set at EUR 15 million to be financed from budget line 19 08 01 01 of the general budget of the European Union for 2013.

### *Article 3*

#### **Implementation modalities**

Budget-implementation tasks under indirect centralised and joint management shall be entrusted to the entities identified in the attached Annexes, subject to the conclusion of the relevant agreements.

Section 4 of the Annexes referred to in the second paragraph of Article 1 sets out the elements required by Article 94(2) of the Rules of Application.

Grants may be awarded without a call for proposals by the responsible authorising officer according to Article 190 of the Rules of Application. Where known at the moment of the adoption of this Decision, the reasons for this as well as the potential beneficiaries shall be identified in the attached Annexes.

The Commission authorises the eligibility of costs under joint management with the ICRC for the action set out in Annex 2 as of the date identified in Annex 2.

The financial contribution referred to in Article 2 shall also cover any possible interests due for late payment.

*Article 4*

**Non-substantial changes**

Increases or cumulated changes to the allocations of specific actions not exceeding 20 % of the contribution referred to in Article 2 shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the actions.

The responsible authorising officer may adopt these non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 12.11.2013

*For the Commission*  
*Štefan FÜLE*  
*Member of the Commission*