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EUROPEAN COMMISSION

Brussels, 22.12.2010
C(2010) 9321 final

COMMISSION DECISION

of 22.12.2010

on a Special Measure (part I) for the ENPI 2011 in favour of West Bank and Gaza Strip (oPt) 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 and in particular Article 13(2) thereof,

Whereas:

- (1) Since 2002 the Commission has set priorities for co-operation with the West Bank and Gaza Strip (oPt) 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 West Bank and Gaza Strip (oPt), no strategy paper or multi-annual indicative programme has been established covering 2011.
- (2) The criteria set out in Regulation (EC) No 1638/2006 and conditions for the special measure have been fulfilled. The West Bank and Gaza Strip (oPt) 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.
- (3) The Council of General Affairs and External Relations 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 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".
- (5) According to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) projected donor-contribution estimates, a significant portion of the budget foreseen for 2011 is very likely to remain unfunded which would ultimately lead to stringent austerity measures and further cutbacks of basic services.

- (6) 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 Financial Regulation applicable to the general budget² (hereafter 'the Implementing Rules').
- (7) 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 1605/2002
- (8) 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.
- (9) 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.
- (10) 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 (oPt) 2011 (Part I) constituted by the action "PEGASE Support to Recurrent Expenditures of the PA" (EUR 60 million) and "Contribution to UNRWA's 2011 Regular Budget (EUR 40 million) , the text of which is set out in the attached Annex, is approved.

Article 2

The maximum contribution of the European Union to this special measure is set at EUR 100 million 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 2011.

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

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 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).

that they do not significantly affect the nature and objectives of the special measure. 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 in accordance with the principles of sound financial management.

Article 4

Subject to the adoption of the 2011 budget by the Budgetary Authority, the provisional maximum EU contribution for the Special Measure for the ENPI for West Bank and Gaza Strip (oPt) 2011 (Part I) is set at EUR 100 million to be financed from the budget line 19 08 01 02 of the general budget of the European Union for 2011.

Done at Brussels, 22.12.2010

For the Commission
Štefan FÜLE
Member of the Commission

ANNEXES

Special Measure for the ENPI for West Bank and Gaza Strip (oPt) for 2011 (Part I)

Annex I: Action Fiche for *PEGASE Support to Recurrent Expenditures of the PA*

Annex II: Action Fiche for *Contribution to UNRWA's 2011 Regular Budget*