



Brussels, 16.12.2013
C(2013) 9196 final

COMMISSION IMPLEMENTING DECISION

of 16.12.2013

**on the annual action programme 2013 part 2 in favour of Libya to be financed from 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 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 Instrument¹ (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 1605/2002² (hereinafter referred to as 'the Financial Regulation'), and in particular Article 84(2) thereof,

Whereas:

- (1) A revised 2011-2013 National Indicative Programme (NIP) has been signed on 30 August 2012 with the Libyan Government including the priority "Addressing jointly the challenge of managing migration"). The programme "Support to rights-based migration management and asylum system in Libya" has been developed under this 4th priority of the revised NIP.
- (2) In line with the two Joint Communications "A partnership for democracy and shared prosperity with the Southern Mediterranean"³ and "A new response to a changing Neighbourhood"⁴, the annual action programme 2013 part 2 in favour of Libya is focusing on democratic transition and institution-building and stronger partnership with the population by improving Libya's ability to manage migration, in its multi-faceted dimensions, through the migration programme.
- (3) The objective pursued by the Annual Action Programme part 2 is:
 - to support Libyan Government and civil society in building instruments and capacities to effectively manage migration and asylum and to improve migrant's living conditions.
- (4) 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

¹ OJ L 310, 9.11.2006, p. 1-14.

² OJ L 298, 26.10.2012, p. 1.

³ COM(2011)200 of 8 March 2011.

⁴ COM(2011)303 of 25 May 2011.

on the financial rules applicable to the general budget of the Union⁵ (hereinafter referred to as 'the Rules of Application').

- (5) 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 Rules⁶.
- (6) 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.
- (7) 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').
- (8) 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 2 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 action, the description of which is set out in the attached Annex shall be:

- Support to rights-based migration management and asylum system 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 10 000 000 to be financed from budget line 19 08 01 01 of the general budget of the European Union for 2013.

Article 3

Implementation modalities

⁵ OJ L 362, 31.12.2012, p. 1.

⁶ 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.

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

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

The Commission authorises the eligibility of costs under joint management with the International Centre for Migration Policy Development (ICMPD) and the International Federation of Red Cross and Red Crescent Societies (IFRC) for the action set out in Annex 1 as of the date identified in Annex 1.

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 use of contingencies shall be taken into account in the ceiling referred to in this article.

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

Done at Brussels, 16.12.2013

For the Commission

Štefan FÜLE

Member of the Commission