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**COMMISSION IMPLEMENTING DECISION**

**of 15.12.2011**

**on the 2011 Special Measure for Libya to be financed under Article 19 08 01 01 of the  
general budget of the European Union**

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**on the 2011 Special Measure for Libya to be financed under Article 19 08 01 01 of 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>, and in particular Article 13(2) thereof,

Whereas:

- (1) The EU co-operation activities with Libya began in 2005 with the gradual normalisation of Libya's foreign relations. EU co-operation has focused on health and HIV/AIDS, through the Benghazi Action Plan and Instrument for Stability action, and on migration, via the Thematic Programme for Cooperation with Third countries in the Areas of Migration and Asylum and its predecessor AENEAS.
- (2) Since 22 February 2011, all aid co-operation with Libya was temporarily suspended, but the EU immediately provided humanitarian assistance. Since June 2011, activities to support the emerging civil society under the Instrument for Stability scheme started and others are being contracted under the European Instrument for Democracy and Human Rights and the European Neighbourhood and Partnership Instrument.
- (3) In line with the two Joint Communications of the European Commission and of the High Representative of the EU for Foreign Affairs and Security Policy - "A new response to a changing Neighbourhood"<sup>2</sup> and "A partnership for democracy and shared prosperity with the Southern Mediterranean"<sup>3</sup> - the programme is focusing on democratic transition and institution-building with a component on public administration, another on stronger partnership with the population through civil society and a component on sustainable and inclusive growth and economic development through education.
- (4) 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<sup>4</sup> (hereafter 'the Financial Regulation') and Article 90 of Commission Regulation (EC, Euratom) No 2342/2002

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

<sup>2</sup> COM(2011)303 of 25 May 2011.

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

<sup>4</sup> OJ L 248 of 16.09.2002 p. 1-48.

of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget<sup>5</sup> (hereafter 'the Implementing Rules').

- (5) 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.
- (6) 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.
- (7) The Member States (ENPI Committee) and the European Parliament will be informed after adoption of the Decision by the Commission in accordance with Article 13.4 of Regulation (EC) No 1638/2006,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The 2011 Special Measure for Libya, constituted by the actions "Public administration capacity-building facility" (EUR 4.5 million), "Better quality education and inclusion of all children" (EUR 2.4 million) and "Support for the emergence and development of civil society and local governance" (EUR 3.1 million), the text of which is set out in the attached Annexes, is approved.

### *Article 2*

The maximum contribution of the European Union to the 2011 Special Measure for Libya is set at EUR 10 million to be financed from budget line 19 08 01 01 of the general budget of the European Union for 2011.

This maximum contribution shall also cover any possible interests due for late payment.

### *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 that they do not significantly affect the nature and objectives of the 2011 Special Measure for Libya. 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 2011 Special Measure for Libya in accordance with the principles of sound financial management.

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<sup>5</sup> OJ L 357 of 31.12 2002, p. 1-71.

Done at Brussels, 15.12.2011

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

**ANNEXES**  
**2011 Special Measure for Libya**

**Annex 1: action fiche Public administration capacity-building facility**

**Annex 2: action fiche Better quality education and inclusion of all children**

**Annex 3: action fiche Support for the emergence and development of civil society and local governance**