

COMMISSION DECISION

of 05/11/2008

on a special measure for the ENPI 2008 in favour of the occupied Palestinian territory to be financed under Article 19 08 01 02 of the general budget of the European Communities

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to European Parliament and Council Regulation (EEC) 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,

Having regard to European Parliament and Council Regulation (EEC) No 1638/2006 of 24 October 2006 laying down the general provisions establishing a European Neighbourhood and Partnership Instrument and in particular Article 17.3 thereof,

Whereas:

- (1) Since 2002 the Commission has set priorities for co-operation with the occupied Palestinian territory 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 occupied Palestinian territory, no strategy paper or multi-annual indicative programme has been established covering 2008.
- (2) The criteria set out in Regulation (EC) n° 1638/2006 and conditions for the special measure have been fulfilled.
- (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. In order to allow for the establishment of a new support mechanism the EU endorses the further extension of the TIM for three months."*
- (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) 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 Communities².
- (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(aa) 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 the occupied Palestinian territory constituted by the action "PEGASE Support to Recurrent Expenditures of the PA" , the text of which is set out in the attached Annex is approved.

Article 2

The maximum contribution of the Community is set at EUR 42,000,000 to be financed within the limits of the available resources of budget Article 19 08 01 02 of the general budget of the European Communities for 2008.

This amount includes EUR 1,000,000 contribution from Austria to be transferred to the general budget of the European communities as provided for in action "PEGASE Support to Recurrent Expenditure of the PA" , subject to the effective transfer of funds from the Austrian

¹ OJEU L 248 of 16.09.2002 p. 1. Regulation last amended by Regulation (EC, Euratom) No1995/2006 (OJEU L 390, 30.12.2006, p. 1) and by Council Regulation (EC, Euratom) 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).

authorities. The Director General of DG AIDCO is authorised to sign agreements accepting these contributions from other donors.

Article 3

Within the global indicative budget of all the specific actions, cumulated changes not exceeding 20% of the maximum contribution of the Community, 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.

Done at Brussels, 5 November 2008

For the Commission
Benita FERRERO-WALDNER
Member of the Commission