



Brussels, 29.10.2019
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COMMISSION IMPLEMENTING DECISION

of 29.10.2019

**on the special measure 2019 in favour of Libya, including one action to be carried on in
2020, financed by 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 Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action², and in particular Article 2(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the special measure 2019 in favour of Libya, including one action to be carried on in 2020, it is necessary to adopt a multiannual³ financing Decision, which constitutes the multiannual work programme for 2019 and 2020. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (2) The envisaged assistance is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU⁴.
- (3) The country strategy paper and the multiannual indicative programme established for Libya⁵ for 2014-2016 has expired. As the political situation in Libya remains highly unstable, the European Commission has decided to adopt special measures since 2017.
- (4) The objectives pursued by the measure to be financed under the European Neighbourhood Instrument⁶ are to support the Libyan population in the achievement of the democratic transition, initiated in 2011, towards an equitable, transparent and

⁽¹⁾ OJ L 193, 30.7.2018, p.1.

⁽²⁾ OJ L 77, 15.3.2014, p. 95.

⁽³⁾ Multiannual financing Decision shall always constitute a multiannual action programme.

⁽⁴⁾ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

⁽⁵⁾ C(2015) 9164, 17.12.2015.

⁽⁶⁾ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

accountable state and to promote stability through further development of the private sector economy.

- (5) The action entitled ‘European Union Mousanada for Libya – European Union support to Public Administration in Libya’ underlines the willingness of the European Union to ‘support’ or ‘accompany’ the Libyan institutions in building their capacities in the broader area of governance and with full respect for the rule of law. This programme aims to contribute to institution building in Libya in the context of stabilisation, conflict prevention and democratic transition. The programme will support public institutions at both national and sub-national levels, based on priorities identified and requests formulated by the institutions and/or identified by the European Commission as key areas for intervention to strengthen a culture of accountability, transparency, respect for the rule of law and overall good governance in Libya.
- (6) The action entitled ‘European Union for Private Sector Development in Libya – Phase 2’ aims to continue to improve the Libyan business environment in order to generate economic growth for private sector operations and create job opportunities. Activities under this programme will focus on the development of a Public-Private dialogue platform to promote a structured interaction between the public and private sector, thus contributing to the adoption and implementation of policies for economic recovery, diversification and sustainable growth. A second component will support the improvement of the competitiveness of targeted Small and Medium Enterprises.
- (7) Pursuant to Article 4(7) of Regulation (EU) No 236/2014, indirect management is to be used for the implementation of the measure.
- (8) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of Regulation (EU, Euratom) 2018/1046. To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of Regulation (EU, Euratom) 2018/1046.
- (9) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.
- (10) In order to allow for flexibility in the implementation of the measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.
- (11) The measure provided for in this Decision is in accordance with the opinion of the European Neighbourhood Instrument Committee established under Article 15 of the financing instrument referred to in recital 4,

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The special measure in favour of Libya for 2019, including one action to be carried on in 2020, as set out in the Annexes, is adopted.

The measure shall include the following actions:

- (a) Annex I: ‘European Union Mousanada for Libya – European Union support to Public Administration in Libya’;
- (b) Annex II: ‘European Union for Private Sector Development in Libya – Phase 2’.

Article 2

Union contribution

The maximum Union contribution for the implementation of the measure for the years 2019 and 2020 is set at EUR 32 000 000, and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- (a) budget line 22.040102 EUR 22 000 000 for year 2019;
- (b) budget line 22.040102 EUR 10 000 000 for year 2020.

The appropriations provided for in the first paragraph may also cover interest due for late payment.

The implementation of this Decision is subject to the availability of the appropriations provided for in the draft general budget of the Union for 2020, following the adoption of that budget by the budgetary authority or as provided for in the system of provisional twelfths.

Article 3

Methods of implementation and entrusted entities or persons

The implementation of the actions carried out by way of indirect management, as set out in the Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in points 5.3.2, 5.3.3 and 5.3.5 of Annex 1 and point 5.3.2 of Annex 2.

Article 4

Flexibility clause

Increases⁷ or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2, considering each financial year separately, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution, as well as extensions of the implementation period shall not be considered substantial within the meaning of Article 110(5) of Regulation (EU, Euratom) 2018/1046, where these changes do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 29.10.2019

For the Commission
Johannes HAHN
Member of the Commission

⁽⁷⁾ These changes can come from external assigned revenue made available after the adoption of the financing Decision.