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EUROPEAN COMMISSION

Brussels, 3.12.2010  
C(2010) 8419 final

**COMMISSION DECISION**

**of 3.12.2010**

**approving a Special Measure for a "Programme of Support to the EU Action Plan for  
Benghazi – Phase VI" in favour of Libya to be financed under budget line 19 08 01 01 of  
the general budget of the European Union**

## COMMISSION DECISION

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**approving a Special Measure for a "Programme of Support to the EU Action Plan for Benghazi – Phase VI" in favour of Libya to be financed under budget line 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 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 (ENPI) and in particular Article 13 thereof,

Whereas:

- (1) For the year 2010 a Country Strategy Paper (CSP) and National Indicative Programme (NIP) had not been developed for Libya;
- (2) A memorandum was signed by the Commission and the Libyan authorities on 23 July 2007 laying down the elements for future relations with Libya, in which the Commission announced that it would upgrade the Benghazi Centre for Infectious Diseases and Immunology to become a centre of excellence at regional level through an HIV-AIDS Action Plan for Benghazi. The funds committed by the EU in support to this Action Plan will soon be fully used and it is urgent to commit new funds for this project in order to ensure the consolidation of the positive results already obtained on the fight against HIV/AIDS in Libya.
- (3) 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>1</sup> (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 budget<sup>2</sup> (hereafter 'the Implementing Rules').
- (4) 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.

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<sup>1</sup> OJEU L 248 of 16.09.2002, p. 1. Regulation last amended by Regulation (EC, Euratom) No1995/2006 (OJEU L 390 of 30.12.2006, p. 1) and by Council Regulation (EC) N° 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007, p. 9.).

<sup>2</sup> 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).

- (5) 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.
- (6) 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 special measure in favour of Libya constituted by the action "*Programme of Support to the EU Action Plan for Benghazi – Phase VI*" (EUR 2 million), the text of which is set out in the Annex, is approved.

#### *Article 2*

The maximum contribution of the Union to the special measure in favour of Libya is set at EUR 2 000 000 to be financed within the limits of the available resources of budget line 19 08 01 01 of the general budget of the European Union for 2010.

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

#### *Article 3*

Cumulated changes of the allocations to the specific action 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 special measure.

The authorising officer by delegation may amend the present Decision to introduce non substantial changes to the special measure in accordance with the principles of sound financial management.

Done at Brussels, 3.12.2010

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

**ANNEX**

**Action fiche for Programme of Support to the EU Action Plan for Benghazi – Phase VI**