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**COMMISSION IMPLEMENTING DECISION**

**of 12.11.2013**

**on modifying the Commission Decision C(2012) 8531 in favour of the Kingdom of  
Jordan to be financed from the general budget of the European Union**

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### on modifying the Commission Decision C(2012) 8531 in favour of the Kingdom of Jordan to be financed from 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<sup>1</sup> (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 1605/2002<sup>2</sup> (hereinafter referred to as 'the Financial Regulation'), and in particular Article 84(2) thereof,

Whereas:

- (1) Commission Decision C(2012) 8531 adopted on 27 November 2012 approved the action "Support for the Security Sector in Applying the Rule of Law";
- (2) The purpose of this modifying Decision is to allow for a change in the management method of this action.
- (3) This Decision complies with the conditions laid down in Article 94 of the 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 on the financial rules applicable to the general budget of the Union<sup>3</sup> (hereinafter referred to as 'the Rules of Application')
- (4) 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 accordingly ensured that these entities comply with the conditions of Article 53(d) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>4</sup> (hereinafter referred to as 'the Financial Regulation 1605/2002') and of Articles 35 and 43 of its Implementing Rules<sup>5</sup>.

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

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

<sup>3</sup> OJ L 362, 31.12.2012, p. 1.

<sup>4</sup> OJ L 248, 16.9.2002, p. 1. These provisions remain applicable until 31 December 2013 according to Article 212 of the Financial Regulation.

<sup>5</sup> 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.

(5) The measures provided for in this Decision are 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*

Annex 1 of Decision C(2012) 8531 is replaced by the Annex to this Decision.

*Article 2*

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

Done at Brussels, 12.11.2013

*For the Commission*

*Štefan FÜLE*

*Member of the Commission*

## ANNEX

of the Commission Implementing Decision on modifying the Commission Decision C(2012)8531 in favour of the Kingdom of Jordan to be financed from the general budget of the European Union

### 1. IDENTIFICATION

Title/Number	Support to the security sector in applying the rule of law (ENPI/2012/023-533)		
Total cost	EU contribution: EUR 5 million		
Aid method / Method of implementation	Project approach – <i>Direct centralised management and Joint management</i>		
DAC-code	15210	Sector	Security system management and reform

### 2. RATIONALE

Security and stability are key assets for Jordan in the region. Consequently, the national security actors have been allocated large competences to ensure efficient and effective protection of the population. Their challenge today is to achieve such objectives while integrating new obligations in terms of transparency, accountability and co-ordination; and to adjust their working methods in line with good governance, rule of law principles and human rights and fundamental freedoms protection.

The present intervention is in line with key priorities outlined in the new EU-Jordan European Neighbourhood Policy (ENP) Action Plan of 2010, and in particular the consolidation of the institutions safeguarding democracy and the rule of law<sup>1</sup>.

The project pursues objectives of democratic reform and institution-building 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 partnership for democracy and shared prosperity with the Southern Mediterranean*”<sup>2</sup>, and “*A new response to a changing Neighbourhood*”<sup>3</sup> in particular by supporting security and law enforcement sector reform and the establishment of democratic control over armed and security forces, as well as by enhancing dialogue and partnership with civil society and citizens.

The project aims to support a result-based security strategy to build upon the current democratic reform process in Jordan; to support the current development of a human rights and good governance culture within the security forces, particularly those in charge of law enforcement and citizens protection; and to raise the institutional, administrative and legal capacities of Ministry of Interior and of specific security

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<sup>1</sup> See paragraph 2.4.

<sup>2</sup> COM(2011)200 of 8 March 2011, stating that “*the EU responses to the changes taking place in the region needs to be more focused, innovative and ambitious, addressing the needs of the people and the realities on the ground. Political (...) reform must help deliver rights and freedoms, accountability and participation*”.

<sup>3</sup> COM(2011)303 of 25 May 2011.

agencies in a sustainable way. The targeted support remains under the co-ordination of the Ministry of Interior as the leading stakeholder in the sector.

A budget of EUR 5 million is foreseen for this intervention, from the EUR 35 million allocation in the National Indicative Programme 2011-2013 foreseen to support the Justice, Home Affairs and Security sectors in Jordan. Consistency of design is ensured with the intervention in preparation in the justice sector and both are expected to deepen the policy dialogue in these areas.

## **2.1. Sector context**

Over the last few years, the security sector has been reforming overall. Jordan has joined most of the International Conventions related to the fight against transnational crime and developed new laws in compliance with international standards, such as the anti-corruption law and the draft law on juvenile. To promote a civilian approach to security, the Gendarmerie has been set up, tasked with maintaining the public order. The Ministry of Interior is developing a wide sector strategy involving all security stakeholders and holds regular dialogue with civil society and citizens through its human rights department. It also works on reinforcing its co-operation with Governorates through security co-ordination committees at local level.

Improved operation and quality service of security actors is more important than ever in the context of the Arab Spring. New factors call for a careful handling of security issues: external factors, in view of the potential influx of migrants into Jordan and the development of new forms of criminal activities; internal factors, with the multiplication of public protests across the country requiring security actors to master the skills to carry about their citizens protection mandate and handle new situations in the appropriate, professional manner respecting democratic principles and human rights.

The project is expected to contribute to deeper dialogue on home affairs and security issues in the framework of the ENP subcommittee on Justice and Home Affairs. It is expected to establish a smooth, structured interaction with the key counterpart in this sector and to contribute to advancement on the commitments undertaken in the ENP Action Plan.

## **2.2. Lessons learnt**

The need for enhanced planning and co-ordination among different security stakeholders remains critical to reach and sustain the required performance on transparency, rule of law and democracy. Strengthened capacity will be a key for the Ministry of Interior to exercise leadership over the security reform, address the challenges of closer co-ordination among security actors, and the consolidation of new civilian institutions. A clear and comprehensive strategy is required for the sector at large, including legal reforms to enhance rule of law principles, and institutional support to bring stakeholders capabilities to the appropriate standard of operations. The EU proposed intervention will build on previous support in the sector, focusing on the role of the Ministry of Interior as key counterpart. Lessons learnt from past successes point to the value of peer-to-peer co-operation in this area, which will be taken into consideration for the implementation.

### **2.3. Complementary actions**

The present intervention will build on achievements and aim to consolidate them. The EU, through the implementation of several programmes<sup>4</sup> has been very active in the sector, notably with twinning projects on the penitentiary system, on the fight against organised crime and, most recently, with the twinning project on supporting the Jordanian Gendarmerie, which is a good example of effective capacity transfer through a professional partnership. The EU project with United Nations Office on Drugs and Crime (UNODC)<sup>5</sup> provided a first avenue of co-operation with the police department. The present project also complements the regional programme EUROMED Police III<sup>6</sup>.

Moreover, projects in support to civil society organisations (CSOs) cover a large spectrum of issues pertaining to human rights, democracy and good governance and contribute to increased demand for accountability of public institutions and services, which is highly relevant to any intervention in the security sector. Projects in support of Parliament will also be relevant in relation to the oversight aspects of a comprehensive security reform.

As to the future: complementary to the present project, twinning projects will also be part of the strategic response in the security sector, funded through the support to the action plan programme. These will include in particular a follow-up twinning project on the specialisation of the Gendarmerie in its mandate of crowd management and protection. The present intervention is designed in close inter-linkage with the planned budget support to the Support to the justice sector reform in Jordan programme, on legislative and operational aspects.

### **2.4. Donor co-ordination**

The Ministry of Planning and International Co-operation ensures donor co-ordination through regular meetings and running of the JAIMS<sup>7</sup> database, which records on-going bilateral or multilateral projects.

The EU Delegation to Jordan chairs monthly EU co-ordination meetings through the Development assistance group (DAG), which includes Justice and Home Affairs as one of its focus themes. The present project is designed to complement the activities of several EU Member States such as Austria, France, Germany, Spain, who are currently deploying bi-lateral support to the security forces. Provisions are made to share information regularly with international partners and to feed the achievements of the projects. In the framework of co-ordination with the broader donor community, this project will be carried out in close co-ordination with The United Nations Children's Fund (UNICEF), UNODC and The United States Agency for International Development (USAID).

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<sup>4</sup> Notably the Justice and Good Governance programme or the Support to the Action Plan Programme.

<sup>5</sup> 'Support to the Juvenile justice System in Jordan'.

<sup>6</sup> C(2010)5136 of 4 August 2010.

<sup>7</sup> Jordan Aid information management system – established in 2009.

### 3. DESCRIPTION

#### 3.1. Objectives

##### Global objective:

To promote a reinforced application of the rule of law principles in the security sector, based on sector's accountability and transparency, respect and protection of human rights and fundamental freedoms.

##### Specific objectives:

To foster the strategic and operational capacity of the security actors to exert their citizens protection mandate in line with human rights principles and fundamental freedoms through:

- 1) institutional support to the Ministry of Interior in building its capacities in leadership and co-ordination to ensure better security services to the population, to reinforce public accountability and to foster civil oversight mechanisms over the security sector;
- 2) support to operational working methodologies of law enforcement agencies to effectively protect the citizens, particularly those in need of differentiated treatment and protection in line with human rights and fundamental freedoms.

#### 3.2. Expected results and main activities

##### **Component 1: Institutional support to the Ministry of Interior**

Expected results: enhanced leadership, co-ordination and institutional capacities of the Ministry of Interior to implement an integrated, comprehensive strategy for the security sector through:

- Faster, better organised and more efficient administrative procedures, case-management and operational co-operation across all departments and law-enforcement agencies as well as externally with other Ministries;
- Improved understanding of rule of law and human rights issues across all departments under its leadership;
- Improved dialogue with partners and civil society organisations to ensure oversight of security interventions.

Activities will include the development of a comprehensive and integrated national security sector strategy and a related Action Plan; the setting up of an Internal Security Co-ordination platform as well as a consultative and monitoring mechanism on the security sector's observance of human rights, involving civil society organisations; support to Human Resource policies and staffing strategies; support to the Human Rights Department; elaboration of relevant draft laws and bylaws; development of systematic archiving system; assessment of accountability/complaint systems; design of internal standard operating procedures to ensure systemic co-ordination; reinforcement of regional co-operation and upholding of INTERPOL database.

Some equipment might be needed to support the implementation of activities such as, inter alia, the development of systematic archiving system and the reinforcement of

regional co-operation and upholding of INTERPOL database. The experts providing institutional support to the Ministry of Interior will be tasked with the needs assessment and preparation of tender dossiers and the necessary equipment will be purchased through supply contracts.

## **Component 2: Support to the law enforcement agency: the Public Security Directorate (PSD)**

Expected Results: enhanced protection of citizens through law enforcement agencies. The police capacities are enhanced with specialised skills acquired in line with EU best practices. Public awareness and protection of vulnerable groups are strengthened and consistent policies are in place leading to significant results. Criminal investigations techniques are improved and aligned with International standards in particular with the view to protecting youths, women and vulnerable populations.

### Support to the PSD Juvenile and Family Protection Departments working methodologies:

- Better specialisation and organisation, staff development and management, working methodologies;
- Raised awareness among security actors to the specificities of cases related to juvenile issues, domestic violence and violence against women in particular;
- Alignment of Jordan with international standards and best practices on juvenile issues, domestic violence and violence against women.

### Support to the PSD Criminal Investigation Unit working methodologies

- Better specialisation and organisation, staff development and management, working methodologies;
- Improved methods and standards of criminal investigation and analysis in line with human rights and international standards and instruments;
- Improved quality of legal evidence to be used for Court proceedings in criminal cases.

Activities will include:

- (i) Support to the PSD Juvenile Police Department working methodologies through the development of the Department; the assessment on alignment with international standards and best practices on juvenile issues and follow up; public awareness on the juvenile delinquency, causes and possible responses; national co-ordination forum on Juvenile justice; trainings on the provisions of the Draft Law on Juvenile Justice; systematic education and training programme modules for staff; elaboration of training Manual for staff; conferences and peer-to-peer exchanges at regional and Jordan-EU level.
- (ii) Support to the PSD Family Protection Police Department working methodologies through defining its structure and mandate; assessment on Jordan's alignment with international standards and best practices on domestic violence and violence against women and follow up; training on specific interview skills with women and children; support to shelter for women and children; public awareness campaigns; development of community policing and policies and co-ordination with NGOs and specialised CSOs.

(iii) Support to PSD Criminal Investigation Unit working methodologies through trainings in special criminal investigative techniques and criminal analysis; assessment on Jordan's alignment with International human rights standards in the area of criminal investigation methods and practices and co-ordination with the Prosecutor Office.

### **3.3. Risks and assumptions**

Assumptions:

- Political will sustained towards security sector reform in line with international standards and best practices, under the leadership of the Ministry of Interior;
- Government of Jordan will contribute to the proposed activities (human, material and financial resources for the implementation of its strategies/action plans) and will draw strategies/action plans to ensure sustainability of the reform in the security sector;
- Trained civil servants/stakeholders' staff are willing to increase quality service provision, accountability and transparency and will remain in place;
- Relevant legislation is passed where needed;
- Active co-ordination among the main stakeholders remains consistent;

Risks:

- Further unexpected changes to ministerial personnel and other political level appointments leading to disruption of programme activities;
- Compromised in-country peace and stability.

### **3.4. Crosscutting Issues**

The main relevant crosscutting issues are good governance, democratic accountability and human rights promotion. Most activities are focused on juveniles, on family protection, on the rights of arrestees and citizens protection, thus integrating factors particularly affecting children and vulnerable populations.

### **3.5. Stakeholders**

- Major stakeholders are the institutions whose core functions are related to internal security and subject to the application of democratic principles such as rule of law and civilian oversight: Ministry of Interior, Public Security Directorate (Police) and Gendarmerie.
- Other stakeholders – not direct stakeholders for the present intervention – include Parliament, Ministry of Justice and High Judicial Council, Ombudsman office, Customs, National Centre for Human Rights and CSOs.

## **4. IMPLEMENTATION ISSUES**

### **4.1. Method of implementation**

The implementation method will be direct centralised management and joint management. A Financing Agreement will be signed with the Government of Jordan.

For component 1, the support to the Ministry of Interior will be implemented partly through direct centralised management (service and supply contracts) and partly through joint management with Interpol. This implementation is justified because of

Interpol's role as an international police organisation and the technical and operational support it offers. Joint management with Interpol in accordance with Article 53(d) of Financial Regulation 1605/2002 is possible because the project has been elaborated jointly between the organisation and the Commission.

For component 2, the targeted interventions with Juvenile, Family Protection and Criminal investigation police departments will be implemented through joint management with two international organisations, UNICEF and UNODC, given their specific experience in the aforesaid areas. Joint management with these two organisations in accordance with Article 53(d) of Financial Regulation 1605/2002 is possible because of their active participation in the formulation of the project and both organisations are bound by a long-term framework agreement with the Commission.

A steering committee will be set up to oversee and validate the overall direction and policy of the project (or other responsibilities to be specified). The steering committee will monitor the overall implementation of the project, review project progress, co-ordinate the different results areas and provide guidance towards the successful achievement of the project objectives. It will also help co-ordinate between all Jordanian institutions and groups likely to be involved in the projects. The steering committee may also be invited to approve key documents.

The steering committee will be chaired by the Ministry of Interior, with participation of a representative of the Ministry of Planning and International Co-operation, of the relevant target institutions or departments, civil society organisations, concerned organisations and of the EU Delegation to Jordan.

The change of method of implementation constitutes a substantial change except where the Commission "re-centralises" or reduces the level of budget implementation tasks previously entrusted to the international organisation.

## **4.2. Procurement and grant award procedures**

### **1) Contracts**

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

Participation in the award of contracts for the present action shall be open to all natural and legal persons covered by the ENPI Regulation. Further extensions of this participation to other natural and legal persons by the concerned authorising officer shall be subject to the conditions provided for in Article 21(7) of the ENPI Regulation.

### **2) Specific rules for grants**

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EU external actions. They are established in accordance with the principles set out in Title VI 'Grants' of the Financial Regulation applicable to the general budget of the EU. When derogations to these principles are applied, they shall be justified, in particular in the following cases:

- Financing in full (derogation to the principle of co-financing): the maximum possible rate of co-financing for grants is 80% total eligible costs. Full financing may only be applied in the cases provided for in Article 253 of the 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 EU.

#### 4.3. Indicative budget and calendar

An envelope of EUR 5 million to cover the aforementioned objectives is foreseen. The indicative budget breakdown is as follows.

Categories	EU contribution
	EUR
Component 1: direct centralised management (procurement) and joint management with Interpol)	2,000,000
Component 2: joint management with UNODC and Unicef)	2,700,000
Visibility (Service contracts)	50,000
Monitoring, External Evaluation and Audit (service contract)	200,000
Contingencies*	50,000
<b>TOTAL</b>	<b>5,000,000</b>

The contingency allocation may only be used with the prior approval of the European Commission.

The execution period of the programme will be 66 months: operational implementation phase starting from the entry into force of the financing agreement for a duration of 42 months and closure phase of a duration of 24 months starting from the expiry date of the operational implementation phase.

. The procurement tenders will be launched mid-2014 or as soon as the needs have been assessed by the experts providing institutional support to the Ministry of Justice.

#### 4.4. Performance monitoring

Performance indicators measuring the progress of the project activities and the performance of main stakeholders will be detailed during the inception phase. The implementing entities will conduct a baseline study during project inception phase to refine and adjust the logframe if necessary. Indicators will be refined and adjusted throughout project duration, if needed. Monitoring will be a continuous process as part of the implementing entities' responsibilities. To this aim, the entities shall establish permanent monitoring system, which will be used to elaborate the progress reports including progress towards target values for key indicators. The European Commission will organise the regular external monitoring exercises as from the first year of implementation.

#### **4.5. Evaluation and audit**

Independent evaluations will be undertaken. There will be a mid-term evaluation mission and a final evaluation from the EU. All evaluation and audit contracts will be awarded and implemented by the European Commission in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

According to the implementation modalities, initiatives could also be subject to an annual financial and system audit launched by the European Commission as well as results oriented monitoring.

All auditing matters related to joint management with UNICEF and UNODC are governed by the Verification Clause annexed to and forming an integral part of the Financial and Administrative Agreement (FAFA) concluded between the European Commission and the United Nations, signed on 29 April 2003.

#### **4.6. Communication and visibility**

A communication strategy and specific activities dedicated to communication and implementing partners will develop visibility. The EU guidelines will be followed. The EU Delegation to Jordan will carry out visibility events in close co-operation with the relevant beneficiaries for each project implemented. Communication and visibility will include: i) visibility activities to be carried out in line with the Communication and Visibility Manual for EU External Actions<sup>8</sup>; ii) the visibility strategy will also have a separate budget for its implementation through direct centralised management to ensure maximum visibility of the EU intervention.

For activities implemented by UNICEF and UNODC, a communication and visibility plan will be drafted in compliance with the Joint Visibility Guidelines for European Commission - UN Actions in the Field<sup>9</sup>.

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<sup>8</sup> [http://ec.europa.eu/europeaid/work/visibility/index\\_en.htm](http://ec.europa.eu/europeaid/work/visibility/index_en.htm)

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[http://ec.europa.eu/europeaid/work/procedures/financing/international\\_organisations/other\\_documents\\_related\\_united\\_nations](http://ec.europa.eu/europeaid/work/procedures/financing/international_organisations/other_documents_related_united_nations)