



Brussels, 13.12.2021
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COMMISSION IMPLEMENTING DECISION

of 13.12.2021

on adopting an Action Programme for the Turkish Cypriot community for the year 2021

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 389/2006 of 27 February 2006 establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community¹, and in particular Article 3 thereof,

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 966/2012², and in particular Article 110 thereof,

Whereas:

- (1) Following the accession of Cyprus, the application of the acquis is suspended pursuant to Article 1(1) of Protocol No 10 to the Act of Accession 2003³ in the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control (hereinafter referred to as ‘the areas’).
- (2) Pursuant to Article 3(1) of Protocol No 10, nothing in the Protocol precludes measures with a view to promoting the economic development of the areas.
- (3) Council Regulation (EC) No 389/2006 lays down the rules and conditions for the granting of assistance to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community with particular emphasis on the economic integration of the island, on improving contacts between the two communities and with the EU, and on preparation for the acquis.
- (4) In order to ensure the implementation of the Action Programme for the Turkish Cypriot community for the year 2021 it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (5) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU⁴.

¹ OJ L 65, 7.3.2006, p. 5.

² OJ L 191, 30.7.2018, p. 1.

³ OJ L 236, 23.9.2003, p. 955-955.

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,

- (6) The objectives pursued by the annual Action Programme for the Turkish Cypriot community for the year 2021 are: development and restructuring of infrastructure; promotion of social and economic development; reconciliation, confidence-building measures, and support to civil society; bringing the Turkish Cypriot community closer to the Union; and support for needs aimed at facilitating the settlement process.
- (7) All individual legal commitments for this Action Programme shall be concluded no later than three years following the date of budgetary commitment according to Article 5(1) of Regulation (EC) No 389/2006.
- (8) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in the Annex to this Decision, subject to the conclusion of contribution agreements. 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) 2018/1046⁵ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) before a contribution agreement can be signed.
- (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 programme, 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 measures provided for by this Decision are in accordance with the opinion of the IPA III Committee referred to in Article 17(7) of the Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III)⁶.

HAS DECIDED AS FOLLOWS:

Article 1
Adoption of the programme

The Action Programme for the Turkish Cypriot community for the year 2021, as set out in the Annex, is adopted.

Article 2
Union contribution

The maximum Union contribution for the Programme is set at EUR 30 705 061.81 and shall be financed from the appropriations entered in the budget line 05.04 01 of the general budget of the Union for 2021.

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

⁵ Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an ex-ante assessment.

⁶ OJ L 330, 20.9.2021, p. 1-26.

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 Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in that Annex.

Article 4

Non-substantial changes

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2, 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, acting in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 13.12.2021

For the Commission

Elisa FERREIRA

Member of the Commission