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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23 November 2009

**COMMISSION DECISION
C(2009)9027**

of 23 November 2009

amending Decision C(2006)6533 establishing a financial assistance programme to encourage the economic development of the Turkish Cypriot community – Part II

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**COMMISSION DECISION
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on amending Decision C(2006)6533 establishing a financial assistance programme to encourage the economic development of the Turkish Cypriot community – Part II

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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,

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 2003 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 for encouraging the economic development of the Turkish Cypriot community.
- (4) Commission Decision C(2006)6533 of 15 December 2006 establishing a financial assistance programme to encourage the economic development of the Turkish Cypriot community – Part II was adopted pursuant to the aims of Council Regulation (EC) No 389/2006.
- (5) Due to the possibility of using savings under Commission Decision C (2006)6533 to better meet the objectives of Project 2006/018-488.02.01: "Rural Development Sector Programme" and Project 2006/018-488.02.05 "Sustainable development and ICT sector programme", implementation arrangements should be modified to enable its implementation through the joint management procedure foreseen by Article 53d of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial

¹ OJ L 65, 7.3.2006, p. 5.

Regulation applicable to the general budget of the European Communities² (hereafter: "the Financial Regulation").

- (6) Due to the change of the management arrangements of the TAIEX instrument applicable to the Project 2006/018-488.05.01 "Technical Assistance to support the legal transposition as well as implementation of the *acquis communautaire* through the TAIEX instrument – Part II" funded under Commission Decision C (2006)6533, implementation arrangements for this project should be modified to enable the use of the direct centralised management procedure foreseen by Article 53a of the Financial Regulation.
- (7) Whereas the on-going settlement talks mean that the administrative competences within the future unified Cyprus are not clear; that the procurement of equipment cannot therefore be completed before the contracting deadline of 18 December; and that there is an additional requirement for technical assistance; Project 2006/018-488.05.01 "Technical Assistance to support the legal transposition as well as implementation of the *acquis communautaire* through the TAIEX instrument – Part II" should be modified to cover mostly technical assistance where purchase of small scale equipment is a complementary action.
- (8) The Committee referred to in Article 3(2) of Regulation (EC) No 389/2006 will be informed of this Decision.

HAS DECIDED AS FOLLOWS:

Sole Article

The Annex to Decision C (2006) 6533 of 15 December 2006 is hereby amended as follows:

- (1) In Section 6, Objectives and Description, the following sentence is added at the end of subsection "Project 2006/018-488.02.01: Rural Development Sector Programme":

"Some activities of the project, such as activity 6) measures to support organic farming, will be implemented by joint management with the UN Development Programme (UNDP), in accordance with Article 53 d of the Financial Regulation"
- (2) In Section 6, Objectives and Description, the following sentence is added at the end of subsection "Project 2006/018-488.02.05: Sustainable development and ICT (Information and Communication Technologies) sector programme":

"The project will be partly implemented by joint management with the UN Development Programme (UNDP) in accordance with Article 53 d of the Financial Regulation."
- (3) Section 6, Objectives and Description, subsection "Project 2006/018-488.05.01: Technical Assistance to support the legal transposition as well as implementation of the *acquis communautaire* through the TAIEX instrument – Part II", is amended as follows:

² OJ L 248, of 16.9.2002, p.1.

"Building on assistance already provided through Commission Decision C (2006) 2335/4 adopted on 26/06/2006, this project includes the whole range of assistance in the preparation of legal texts and for the implementation of the *acquis communautaire* as well as support for the implementation of Council Regulation 866/2004 and Commission Regulation 1480/2004 available through the TAIEX instrument. Activities include seminars, workshops, expert and study visits, mobilisation of longer-term experts, provision of tools and information products for among others, translation and interpretation activities, as well as co-ordination and monitoring, in close co-operation with Member States and the Commission, maintenance of a local support point for ensuring more effective co-ordination of the actions carried out by the TAIEX instrument. Small scale equipment purchase will be complement to the technical assistance actions and only where required for *acquis* implementation.

This project will be implemented according to the management mode applicable to the TAIEX Instrument as a whole (See section 9 for more detail)."

- (4) Section 9, Implementation, subsection a) Financial and project management, Joint Management, is amended as follows:

"(1) Implementation of item 3c under Project 2006/018-488.01.01 "Sector programme for upgrading the quality and management of water supply and sanitation services", Project 2006/018-488.02.01 "Rural Development Sector Programme"; Project 2006/018-488.02.02 "Upgrading of local and urban infrastructure – Part II", Project 2006/018-488.02.05 "Sustainable development and ICT (Information and Communication Technologies) sector programme" will be carried out or in total or in part according to art. 53d of the Financial Regulation jointly with the United Nations (UN) as other donor and its United Nations Development Programme (UNDP) as implementing body, in accordance with the Financial and Administrative Framework Agreement concluded between the European Union and the UN on 29 April 2003."

- (5) Section 9, Implementation, subsection a) Financial and project management, Indirect centralised management, is amended as follows:

"2) Until expiry of an Agreement³ concluded with the national agency GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit), implementation of Project 2006/018-488.05.01 "Technical Assistance to support legal transposition as well as implementation of the *acquis* through the TAIEX instrument – Part II" followed the procedure stated in Article 54.2(c) and 56 of the Financial Regulation. After conclusion of the new service contract with GTZ, implementation procedure for this project follows Article 53a of the Financial Regulation (direct centralised management)."

³ Agreement no. [102-369,102-387,102-372, 102-373, 102-374] between the European Communities and GTZ on delegation of technical, administrative and payment tasks for the implementation of the TAIEX programme

Done at Brussels,

For the Commission
Olli Rehn
Member of the Commission