



Brussels, 11.12.2015
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COMMISSION IMPLEMENTING DECISION

of 11.12.2015

adopting an Action Programme for the Turkish Cypriot community for the year 2015

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adopting an Action Programme for the Turkish Cypriot community for the year 2015

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 the 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, (hereinafter referred to as 'Financial Regulation')² and in particular Article 84(2) 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 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) The objectives pursued by the Action Programme for the Turkish Cypriot community for the year 2015 are: environmental improvements through better waste handling; sustainability of previously delivered telecommunication up-grades; improved road safety; focus on renewable energy; improvements in the dairy quality chain; combatting fruit fly pests; reinforced confidence between Greek Cypriot and Turkish Cypriot communities and readiness for the implementation of the *acquis* for application upon the entry into force of a comprehensive settlement of the Cyprus problem.
- (5) The present Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012³ (hereinafter referred to as 'the Rules of Application').

¹ OJ L 65, 7.3.2006, p. 5.

² OJ L 298, 26.10.2012, p.1

³ 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, OJ L 362, 31.12.2012, p. 1.

- (6) 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.
- (7) The Commission may entrust budget-implementation tasks under indirect management to the entity identified in this Decision, subject to the conclusion of a delegation agreement. The responsible authorising officer has accordingly ensured that these entities comply with the conditions of points (a) to (d) of the second subparagraph of Article 60(2) of the Financial Regulation. However, the EBRD is currently undergoing the assessment under the Financial Regulation. In anticipation of the results of this review, the responsible authorising officer deems that, based on the positive outcome of the Institutional assessment dated 3 December 2013 and on the long-standing and problem-free cooperation with it, budget-implementation tasks could be entrusted to this entity.
- (8) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of the Financial Regulation and Article 111(4) of its Rules of Application.
- (9) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of the Rules of Application to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the 'responsible authorising officer').
- (10) The Action Programme provided for by this Decision is in accordance with the opinion of the Committee referred to in Article 3(2) of Council Regulation (EC) No 389/2006,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the programme

The 2015 Action Programme for the Turkish Cypriot community as set out in the Annex, is hereby adopted.

Article 2

Financial contribution

The maximum amount of the European Union contribution shall be EUR 32 337 900 to be financed through Article 22 03 01 of the general budget of the European Union for the financial year 2015.

These appropriations shall also cover interest due for late payment.

Article 3

Implementation modalities

This programme shall be implemented by direct and indirect management.

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

Article 4

Non-substantial changes

The following changes shall not be considered substantial provided that they do not significantly affect the nature and objectives of the actions:

- (a) increases or decreases of the contribution referred to in the first paragraph of Article 2 by not more than 15% of the initial contribution and not exceeding 5 million;
- (b) cumulated reassignments of funds between specific actions not exceeding 15 % of the initial contribution;
- (c) extensions of the implementation and closure period;
- (d) Within the limits of 15% referred to in paragraphs a) and b) above, up to 5 % of the contribution referred to in the first paragraph of Article 2 of this financing decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

The use of contingencies shall be taken into account in the ceiling referred to in this article.

The responsible authorising officer may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 11.12.2015

For the Commission
Corina CREȚU
Member of the Commission