



Brussels, 31.10.2017
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COMMISSION IMPLEMENTING DECISION

of 31.10.2017

adopting an Action Programme for the Turkish Cypriot community for the year 2017

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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 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) In order to ensure the implementation of the programme it is necessary to adopt a financing decision for 2017. Article 94 of Commission Delegated Regulation (EU) No 1268/2012 establishes detailed rules on financing decisions.
- (5) The objectives pursued by the Action Programme for the Turkish Cypriot community for the year 2017 are: development of local infrastructure and environment protection; support to rural development and the dairy sector; support to education through school grants and scholarships; support to civil society and reinforced confidence between Greek Cypriot and Turkish Cypriot communities through provision of additional funding to the Technical Committee on Cultural Heritage; and support to needs aiming at facilitating the settlement process.
- (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.

¹ OJ L 65, 7.3.2006, p. 5.

² OJ L 298, 26.10.2012, p.1.

- (7) The authorising officer by delegation has obtained evidence that the entities and persons entrusted with the implementation of the budget by indirect management are fulfilling the requirements laid down in points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012.
- (8) It is necessary to allow for the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.
- (9) In order to allow for flexibility in the implementation of the work programme, it is appropriate to define the term 'substantial change' within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012.
- (10) The measures provided for by this Decision are in accordance with the opinion of the IPA II Committee referred to in Article 13 (2) of the Regulation (EU) No 231/2014,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the programme

The annual programme for the implementation of the Turkish Cypriot community assistance for 2017, as set out in the Annex, is adopted.

The annual programme constitutes a financing decision within the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012.

Article 2

Union contribution

The maximum Union contribution for the implementation of the programme for the year of budget implementation is set at EUR 34 836 240 and shall be financed from the appropriations entered in the following line of the general budget of the Union for 2017:

Budget line 13 07 01: EUR 34 836 240

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

Article 3

Methods of implementation and entrusted entities or persons

This programme shall be implemented by direct and indirect management.

The budget implementation tasks related to 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 in point 1.4 of that Annex.

Article 4

Flexibility clause

Cumulated changes to the allocations to specific actions not exceeding 15% of the maximum contribution set in Article 2 of this Decision shall not be considered to be substantial within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, where those

changes do not significantly affect the nature of the actions and the objective of the work programme.

Within the limits of 15% referred to 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 that 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.

Extensions of the implementation and closure period shall not be considered to be substantial within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012.

The responsible authorising officer may apply the changes referred to in the first, second and third paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 31.10.2017

For the Commission
Valdis DOMBROVSKIS
Vice-President