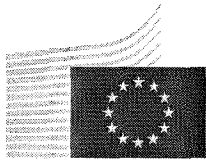


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EUROPEAN
COMMISSION

Brussels, 11.12.2013
C(2013) 8986 final

COMMISSION IMPLEMENTING DECISION

of 11.12.2013

amending 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

and

Decision C(2006)7035 of 22 December 2006 establishing a technical assistance facility to support the implementation of the instrument of financial support to encourage the economic development of the Turkish Cypriot community – Part II

and

Decision C(2011)4443 of 27 June 2011 on establishing the 2011 Aid Programme for the Turkish Cypriot community

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and

Decision C(2011)4443 of 27 June 2011 on establishing the 2011 Aid Programme for the Turkish Cypriot community

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, (the '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 ('the areas').
- (2) Pursuant to Article 3(1) of Protocol No 10, nothing in the Protocol precludes measures intended to promote the economic development of the areas mentioned in Recital (1).
- (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. Pursuant to the aims of that Regulation, 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, Commission Decision C(2006)7035 of 22 December 2006 establishing a technical assistance facility to support the implementation of the instrument of financial support to encourage the economic development of the Turkish Cypriot community – Part II and Commission Implementing Decision C(2011)4443 of 27 June 2011 establishing the 2011 Aid Programme for the Turkish Cypriot community, were adopted.

¹ OJ L 65, 7.3.2006, p. 5

² OJ L 298, 26.10.2012, p. 1

- (4) A Programme Reserve Facility was established under Commission Decision C(2011)4443 of 27 June 2011 to be used to respond to requests for new activities.
- (5) The implementation of a complicated infrastructure project, financed by Decision C(2006)6533 of 15 December 2006, has been severely delayed and a number of projects have been affected by a question concerning jurisdiction over contract disputes. It is therefore appropriate to extend the contract implementation period ("execution of contracts end date") and the programme implementation period ("final date for programme completion") of the aforesaid decision.
- (6) Macroeconomic data covering the Turkish Cypriot community has not been available in a timely fashion and this has delayed a macroeconomic monitoring project. In order to allow completion of this project, the implementation arrangements of Commission Decision (2006)7035 of 22 December 2006 should be modified to extend the contract implementation period ("execution of contracts end date") and the programme implementation period ("completion of programme end date").
- (7) The present Decision complies with the conditions laid down in Article 94 of 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 Union³ (Regulation (EU) No 1268/2012).
- (8) The maximum contribution by the European Union set by Decisions C(2006)6533, C(2006)7035 and C(2011)4443 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 Regulation (EU) No 1268/2012.
- (9) The Commission is required to define which changes are not considered "substantial" in the sense of Article 94(4) of Regulation (EU) No 1268/2012 to ensure that those changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (the 'responsible authorising officer').
- (10) In accordance with Article 3(4) of Regulation (EC) No 389/2006 the Committee referred to in Article 3(2) that Regulation should be informed of this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Decision C(2006)6533 is amended as follows:

1. The "Sole Article" is replaced by the following:

"Article 1

The programme of assistance provided for in the annex to this decision is hereby adopted for a maximum amount of EUR 197 550 000, to be charged to budget heading 22.02 11 of the 2006 General Budget of the European Communities. This programme will be implemented by the European Commission according to Article 53 (1) (a) and Article 53 (1) (c) of Council Regulation (EC, Euratom) No 1605/2002

³ OJ L 362, 31.12.2012, p. 1.

of 25 June 2002⁴ on the Financial Regulation applicable to the general budget of the European Communities.

The financial contribution referred to in this Article shall also cover any possible interest due for late payment.

Article 2

Increases or cumulated changes to allocations of specific actions not exceeding 15% of the contribution referred to in the first paragraph of Article 1 of Commission Implementing Decision C(2006)6533 shall not be considered substantial provided that they do not significantly affect the nature and objectives of the actions.

Up to 25 % of such an increase or of a reallocation of the amounts authorised under 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 responsible authorising officer may adopt such changes in accordance with the principles of sound financial management and of proportionality."

2. The Annex is amended in accordance with Annex I to this Decision.

Article 2

Decision C(2006)7035 is amended as follows:

1. The "Sole Article" is replaced by the following:

"Article 1

The programme of assistance provided for in the Annex to this Decision is hereby adopted for a maximum amount of EUR 14.65 million, to be charged to budget heading 22.02.11 of the 2006 General Budget of the European Communities. This programme will be implemented by the European Commission according to Art. 53 (1) (a) of Council Regulation (EC, Euratom) N°1605/2002 of 25 June 2002⁴ on the Financial Regulation applicable to the general budget of the European Communities.

The financial contribution referred to in this Article shall also cover any possible interest due for late payment.

Article 2

Increases or cumulated changes to allocations of specific actions not exceeding 15% of the contribution referred to in the first paragraph of Article 1 of Commission Implementing Decision C(2006)7035 shall not be considered substantial provided that they do not significantly affect the nature and objectives of the actions.

Up to 25 % of such an increase or of a reallocation of the amounts authorised under 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.

⁴ OJ L248, 16.9.2002, p.1.

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

2. The Annex is amended in accordance with Annex II to this Decision.

Article 3

Decision C(2011)4443 is amended as follows:

1. The "Sole Article" is replaced by the following:

"Article 1

The programme of assistance provided for in the annex to this decision is hereby adopted for a maximum amount of EUR 26 500 000, to be charged to budget heading 22.02 07 03 of the 2011 General Budget of the European Union. This programme will be implemented by the European Commission according to Article 53a and Article 53d of the Financial Regulation.

The financial contribution referred to in this Article shall also cover any possible interest due for late payment.

Article 2

Increases or cumulated changes to allocations of specific actions not exceeding 15% of the contribution referred to in the first paragraph of Article 1 of Commission Implementing Decision C(2011)4443 shall not be considered substantial provided that they do not significantly affect the nature and objectives of the actions.

Up to 25 % of such an increase or of a reallocation of the amounts authorised under 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 responsible authorising officer may adopt such changes in accordance with the principles of sound financial management and of proportionality.

Article 3

The programme reserve may be used for the following activities, complementary to ongoing actions:

- (a) Complementary supplies and services for the "Next Generation Network" telecommunications investment.

- (b) Additional resources for Contribution Agreements with United Nations Development Programme (UNDP) for reconciliation and confidence building actions supporting the Committee on Missing Persons and Protection of Cultural Heritage."

Done at Brussels, 11.12.2013

For the Commission
Štefan FÜLE
Member of the Commission



EUROPEAN
COMMISSION

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ANNEXES 1 to 2

ANNEX

to the

COMMISSION IMPLEMENTING DECISION

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economic development of the Turkish Cypriot community – Part II

and

Decision C(2011)4443 of 27 June 2011 on establishing the 2011 Aid Programme for the Turkish Cypriot community

Annex 1

The Annex to Decision C(2006)6533 is amended as follows:

(1) In Section 1:

"Execution of contracts end date" is replaced by "Final date for contract implementation".

The "Final date for contract implementation" shall read: "31 December 2016, with the exception of contracts for audit and evaluation."

"Final date for programme completion/execution" is replaced by "Final date for programme implementation".

The "Final date for programme implementation" shall read: "31 December 2019."

(2) The first paragraph of Section 9 (b) shall read:

"All contracts, with the exception of contracts for audit and evaluation, must be concluded by 18 December 2009. The final date for contract implementation is 31 December 2016, with the exception of contracts for audit and evaluation. The final date for programme implementation is 31 December 2019."

Annex 2

The Annex to Decision C(2006)7035 is amended as follows:

(1) In Section 1:

"Execution of contracts end date" is replaced by "Final date for contract implementation".

The "Final date for contract implementation" shall read: " 15 December 2015 and 15 December 2017 for audit and evaluation projects."

"Final date for programme completion/execution" is replaced by "Final date for programme implementation".

The "Final date for programme implementation" shall read: "15 December 2018."

(2) In Section 8, the third paragraph shall read:

"The deadline for the conclusion of contracts is 15 December 2009, with the exception of contracts relating to audit and evaluation under Component I of the programme, which must be concluded by 15 December 2012. For contracts other than for audit and evaluation the contracting period cannot exceed 3 years following the adoption of the programme. The final date for contract implementation is 15 December 2015, with the exception of contracts relating to audit and evaluation under Component I of the programme, which must be implemented by 15 December 2017. The final date for programme completion is 15 December 2018."

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