



Brussels, 19.11.2013
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COMMISSION IMPLEMENTING DECISION

of 19.11.2013

adopting the 2013 Aid programme for the Turkish Cypriot community

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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 1605/2002², (hereinafter referred to as 'Financial Regulation')³ 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 for encouraging the economic development of the Turkish Cypriot community.
- (4) This 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 (EU, Euratom) No 966/2012 of 25 October 2012 on the financial rules applicable to the general budget of the Union⁴ (hereinafter referred to as 'the Rules of Application').
- (5) In accordance with point (a) of the second subparagraph of Article 214 of the Financial Regulation, the rules related to the methods of implementation of the budget contained in Regulation No 1605/2002 continue to apply for commitments made in 2013.
- (6) Article 56 of Regulation No 1605/2002 provides for the possibility of implementation of the budget under indirect centralised management. Within the programme at issue, the use of indirect centralised management is justified in the specialised field of EU scholarships where the delegated body has both the technical experience in the higher education field and the capacity for management of large numbers of individual applicants and contracts.

¹ OJ L 65, 7.3.2006, p. 5.

² OJ L 248, 16.9.2002, p.1.

³ OJ L 298, 26.10.2012, p.1

⁴ OJ L 362, 31.12.2012, p. 1.

- (7) In accordance with Article 56 of Regulation No 1605/2002, before the signature of the delegation agreement, the authorising officer by delegation has to obtain the necessary evidence of the existence and proper operation of the elements listed in that provision within the entities entrusted with the implementation of the budget by indirect centralised management.
- (8) Article 53d of Regulation No 1605/2002 provides for the possibility of implementation of the budget under joint management. It is appropriate to implement parts of this programme in joint management with UNDP because the bi-communal, confidence building projects concerned are run under UN auspices and because of the technical experience of UNDP in these areas.
- (9) In accordance with Article 53d of Regulation No 1605/2002, before the signature of the relevant agreement the authorising officer by delegation has to obtain evidence that the international organisations to be entrusted with the implementation of the Union budget by joint management, apply standards which offer guarantees equivalent to internationally accepted standards in their accounting, audit, internal control and procurement procedures.
- (10) 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.
- (11) 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').
- (12) The measures provided for by this Decision are in accordance with the opinion of the Committee referred to in Article 3(2) of Regulation (EC) No 389/2006,

HAS DECIDED AS FOLLOWS:

Article 1

The *2013 Aid Programme for the Turkish Cypriot Community* as set out in the Annex, is hereby adopted.

Article 2

The maximum amount of the European Union contribution shall be **EUR 31 million**, to be financed through Article 22.02.07.03 of the general budget of the European Union for Year 2013.

These appropriations shall also cover interest due for late payment.

Article 3

This programme shall be implemented by centralised management and joint management.

The budget implementation tasks under centralised indirect/joint management may be entrusted to the entities identified in the Annex.

Article 4

Increases or cumulated changes to allocations of specific actions not exceeding 15% of the contribution referred to in the first paragraph of Article 2 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.

Done at Brussels, 19.11.2013

*For the Commission,
Štefan FÜLE
Member of the Commission*