

COMMISSION DECISION

C(2015)2850

of 05/05/2015

on an individual measure for the Union of the Comoros to be financed from the 11th European Development Fund

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund, and in particular Article 9(1) thereof¹,

Having regard to Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund, and in particular Article 26 thereof²,

Whereas:

- (1) The programming process for the 11th European Development Fund (EDF) was postponed for one year to align it with the national programming cycle and content (Strategy for Accelerated Growth and Sustainable Development – SCADD 2015-20), in line with France, which is the only Member State present on the ground and with which a joint programming process has been started for the first time. The National Indicative Programme (NIP 2014-20) and Joint EU-France Strategy in the Union of the Comoros (2015-20) are currently being formulated.
- (2) This individual measure is provided for in the draft 2014-20 NIP for Comoros in the governance focal sector, the primary objective of which is to consolidate the process of democratisation through the organisation of free, transparent and credible elections.
- (3) The measure financed under the 11th EDF consists of a 'Project to support the credibility and transparency of the 2015-16 electoral process in the Union of the Comoros'. The aim of this project is to consolidate the democratisation process and good political and institutional governance in Comoros by supporting the electoral process in a political context that is still fragile, through support for the organisation of the elections for the President of the Union of the Comoros and the Governors of the autonomous islands, which are planned for the end of 2015 and the start of 2016, and for more structural reforms in the electoral framework. The project has four objectives: (1) capacity-building for the new Independent National Electoral Commission (CENI) and its local constituent bodies on a long-term basis; (2) supporting awareness-raising and electoral education activities amongst the general public; (3) promoting transparency in the electoral process; (4) consolidating the electoral process by supporting reform of the legal and institutional framework. The project will be implemented under direct management by means of direct grants.

¹ OJ L 58, 3.3.2015, pp. 1-16.

² OJ L 58, 3.3.2015, pp. 17-38.

- (4) This project is crucial in Comoros' fragile situation, with its history of numerous coups d'état and separatist crises, and is thus highly relevant politically. This support for elections is evidence that the recently attained but still uncertain political stability is being maintained, and therefore evidence of consolidation of the democratisation process and of the country's development. In these exceptional circumstances, it is essential for this individual measure to be adopted ahead of the programming process for the 11th EDF, to ensure that the electoral arrangements and stakeholders are properly prepared. The support of the EU, Comoros' main partner in this process, should also ensure continuity with the Project to support the credibility and transparency of the 2014-15 electoral process (PACTE Comoros) financed by the EU through the European Instrument for Democracy and Human Rights (EIDHR)³, which is currently being implemented in an 'electoral cycle' approach, with the aim of strengthening the framework and national capacity in the medium to long term.
- (5) A financing decision should be adopted, the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012⁴, applicable by virtue of Article 26 of Council Regulation (EU) 2015/323.
- (6) A work programme should be adopted for grants, the detailed rules of which are set out in Article 128(1) of Regulation (EU, Euratom) No 966/2012 and in Article 188(1) of Delegated Regulation (EU) No 1268/2012. The work programme is in section 5.3 of the Annex.
- (7) The authorising officer responsible may award grants without a call for proposals provided that the conditions for an exception to a call for proposals laid down in Article 190 of Delegated Regulation (EU) No 1268/2012, applicable by virtue of Article 37(1) of Council Regulation (EU) 2015/323, are fulfilled. Two grants will be awarded directly. In order to support the electoral process in a political context that is still fragile, a grant will be awarded directly to the European Centre for Electoral Support (ECES). This decision is justified by the following factors: (i) the fragility of the country (crisis situation from 1 July 2014 to 30 June 2015 under Article 190(2) of the rules of application) and what is at stake in terms of political stability in the forthcoming elections; (ii) the approach adopted by the EU in supporting the 2014-16 electoral cycle in order to support reform of the electoral framework; (iii) the extreme urgency of the project owing to the very limited time between the two elections; (iv) the consistency and continuity of the momentum generated by the project under way and the trust established between the ECES and the parties involved; (v) the experience gained of the Comorian electoral context and the lessons learned by the ECES, and the absence of any other agencies in the country with similar capacity; (vi) the government's weak capacity and the EU's limited presence on the ground. In order to cover part of the operating costs required for carrying out activities linked to the project, another grant will be awarded to the CENI. Use of this procedure is justified by the fact that (i) the CENI has a *de facto* and *de jure* monopoly, and (ii) the CENI is the principal beneficiary of the project.
- (8) The payment of interest on late payment should be allowed on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of

³ Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European instrument for democracy and human rights worldwide (EIDHR), OJ L 77, 15.3.2014, pp. 85-94.

⁴ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) 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).

Delegated Regulation (EU) No 1268/2012, applicable by virtue of Article 29(1) of Council Regulation (EU) 2015/323.

- (9) The measure provided for in this Decision does not fall into the categories of measures for which the prior opinion of the Committee is required. The European Development Fund Committee, established under Article 8 of the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies⁵, should be informed of this Decision within one month of its adoption.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

This decision concerning the individual measure for the Union of the Comoros to be financed from the 11th European Development Fund, as set out in the Annex, is adopted.

The measure shall include the following action:

- Annex: Project to support the credibility and transparency of the 2015-16 electoral process in the Union of the Comoros.

Article 2

Financial contribution

The maximum contribution of the European Union to implementation of the measure referred to in Article 1 is set at EUR 4 100 000, to be financed under the 11th European Development Fund.

The financial contribution provided for in the first paragraph may also cover interest due for late payment.

Article 3

Methods of implementation

The 'Implementation' section of the Annex to this Decision sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012.

The authorising officer responsible may award grants without a call for proposals in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012.

Article 4

Non-substantial changes

Increases or decreases not exceeding 20 % of the contribution set in the first paragraph of Article 2, or cumulated changes to the appropriations allocated to specific actions not

⁵ OJ L 210, 6.8.2013, p. 1.

exceeding 20 % of that contribution, as well as extensions of the implementation period, shall not be considered substantial within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, provided that they do not significantly affect the nature or objectives of the actions. The use of the contingency reserve shall be taken into account in the ceiling set in this Article. The authorising officer responsible may adopt non-substantial changes of this type in accordance with the principles of sound financial management and proportionality.

Done at Brussels,

For the Commission
Neven Mimica
Member of the Commission