COMMISSION DECISION

of 14.12.2015

on the Annual Action Programme 2015 in favour of the Republic of Fiji to be financed from the European Development Fund
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THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund¹, and in particular Article 9(1) thereof,

Having regard to Council Regulation (EU) No 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund², and in particular Article 26 thereof,

Whereas:

(1) The Commission has adopted the National Indicative Programme (NIP) for The Republic of Fiji for the period 2014 to 2020³, point 3.2 “Public Administration Reform and Governance” of which provides for the following priorities: “Contribute to the enhancement of governance systems in Fiji, with particular focus to the strengthening of the law and justice sector [… ] to ensure equal access to justice for Fijian citizens”. The NIP also foresees “Measures to support or accompany the programming, preparation or implementation of actions”.

(2) The objectives pursued by the Annual Action Programme to be financed under the 11th EDF Internal Agreement (hereinafter 'Internal Agreement')⁴ focus on improving the functioning of the justice system and facilitating better access to justice for the underprivileged. Support measures, aims to assist the Government of Fiji in the implementation of its National Development Strategy through the support of sound development programmes financed from the 11th EDF.

(3) The action entitled “Fiji Access to Justice and Integrated Technical Assistance Support Programme” aims at improving access to justice in Fiji, particularly for poor and vulnerable citizens; to increase the capacity, efficiency and quality of justice provided by the Legal Aid Commission (LAC), courts and other institutions. The action entitled “Support Measures for the National Authorising Officer” aims to provide assistance to the National Authorizing Officer (NAO) in the management of the whole life-cycle of actions under the EDF and other EU instruments, including programming the next cooperation cycle.

¹ OJ L 58, 3.3.2015, p. 1.
² OJ L 58, 3.3.2015, p. 17.
³ C(2015)3734 of … [date].
⁴ 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 OCTs to which Part Four of the EC Treaty applies, OJ L 210, 6.8.2013. p.1.
(4) It is necessary to adopt a financing decision the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 applicable in accordance with Article 26 of Regulation (EU) No 2015/323.

(5) It is necessary to adopt a work programme for grants the detailed rules on 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 applicable in accordance with Article 37(1) of Regulation (EU) No 2015/323. The work programme is constituted by the Annex 1 section 5.

(6) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in this Decision, subject to the conclusion of a delegation agreement. In accordance with Article 60(1)(c) of Regulation (EU, Euratom) No 966/2012, applicable in accordance with Article 17 of Regulation (EU) No 2015/323, the authorising officer responsible needs to ensure that these entities guarantee a level of protection of the financial interest of the Union equivalent to that required when the Commission manages Union funds. These entities comply with the conditions of point (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory measures are in place as necessary.

(7) The authorising officer responsible should be able to award grants without a call for proposals provided that the conditions for an exception to a call for proposals in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012, applicable by virtue of Article 37(1) of Regulation (EU) No 323/2015 are fulfilled.

(8) It is necessary to allow 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, applicable in accordance with Articles 29(1) of Regulation (EU) No 2015/323.

(9) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 26 of Regulation (EU) 2015/323, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.

(10) The measures provided for in this Decision are in accordance with the opinion of the EDF Committee set up by Article 8 of the Internal Agreement.

HAS DECIDED AS FOLLOWS:

**Article 1**

**Adoption of the measure**

The Annual Action Programme 2015 in favour of the Republic of Fiji as set out in the Annexes, is approved.

The programme shall include the following actions:

- Annex 1: Support Measures for the National Authorising Officer of the Republic of Fiji;

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**Article 2**

**Financial contribution**

The maximum contribution of the European Union for the implementation of the programme referred to in Article 1 is set at EUR 8 million and shall be financed from the European Development Fund.

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

**Article 3**

**Implementation modalities**

Budget-implementation tasks under indirect management may be entrusted to the entity identified in Annex 2 to this Decision, subject to the conclusion of the relevant agreements.

The section “Implementation” of the Annexes 1 and 2 to this Decision sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012 applicable in accordance with Article 26 of Regulation (EU) 2015/323.

Grants may be awarded without a call for proposals by the authorising officer responsible in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012 applicable in accordance with Article 37 (1) of Regulation (EU) No 323/2015.

**Article 4**

**Non-substantial changes**

Increases or decreases of up to EUR 10 million not exceeding 20 % of the contribution set by the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20 % of that, 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, applicable in accordance with Article 26 of Regulation (EU) 2015/323, provided that they do not significantly affect the nature and objectives of the actions.

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

Done at Brussels, 14.12.2015

*For the Commission*
*Neven MIMICA*
*Member of the Commission*