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**COMMISSION DECISION**

**of 12.1.2018**

**on the Annual Action Programme 2018 part 1 in favour of the Pacific Region to be  
financed from the 11<sup>th</sup> European Development Fund**

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### on the Annual Action Programme 2018 part 1 in favour of the Pacific Region to be financed from the 11<sup>th</sup> 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 11<sup>th</sup> European Development Fund<sup>1</sup>, and in particular Article 9(1) thereof,

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

Whereas:

- (1) The Commission has adopted the 11<sup>th</sup> EDF EU-Pacific Regional Indicative Programme (RIP) for the period 2014-2020<sup>3</sup>, which prioritises under Priority Area 1: Regional Economic Integration, under Priority Area 2: Sustainable Management of Natural Resources and the Environment and the Management of Waste, and under Priority Area 3: Inclusive and Accountable Governance.
- (2) The objectives pursued by the annual action programme to be financed under the 11<sup>th</sup> European Development Fund (EDF) Internal Agreement<sup>4</sup> are 1) to generate improved economic, social, health and environmental benefits for Pacific ACP states arising from stronger regional economic integration and the sustainable management of natural resources and the environment, and 2) to improve economic, governance and environmental performance of Pacific ACP states.
- (3) The action entitled ‘Pacific – European Union Waste Management Programme (PacWaste Plus)’ (Annex I) aims to ensure the safe and sustainable management of waste with due regard for the conservation of biodiversity, reduction of marine litter, health and wellbeing of Pacific island communities, and climate change mitigation and adaptation requirements, while applying a gender inclusive approach. It will be implemented through project approach (indirect management) by the Secretariat of the Pacific Regional Environment Programme (SPREP), plus associated implementing partners outlined in Annex I to this Decision.

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<sup>1</sup> OJ L 58, 3.3.2015, p. 1.

<sup>2</sup> OJ L 58, 3.3.2015, p. 17.

<sup>3</sup> Commission Decision on the adoption of the Regional Indicative Programme between the European Union and the Pacific Island Region C(2015)3732 of 11/6/2015.

<sup>4</sup> 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 applies (OJ L 210, 6.8.2013, p. 1).

- (4) The action entitled ‘Strengthening Public Finance Management (PFM) and Governance in the Pacific project’ (Annex II) aims to strengthen the PFM systems and governance of key domestic institutions of Pacific ACP states. It will be implemented through project approach (direct management) by the International Monetary Fund (IMF) led Pacific Financial Technical Assistance Centre (IMF/PFTAC), and through project approach (indirect management) by the United Nations Development Programme (UNDP), the Pacific Islands Forum Secretariat (PIFS) and the University of South Pacific (USP), plus associated implementing partners outlined in Annex II to this Decision.
- (5) 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<sup>5</sup>, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323.
- (6) The Commission should acknowledge and accept the contribution from other donors in accordance with Article 9(2)(a) of Regulation (EU) 2015/323, subject to the conclusion of the relevant agreement, and should decide on the use of such contribution. Where such contribution is not denominated in euro, a reasonable estimate of conversion should be made.
- (7) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in the Annex I and II to this Decision, subject to the conclusion of delegation agreements. In accordance with Article 60(1)(c) and (2) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 2(1) and Article 17 of Regulation (EU) 2015/323, the authorising officer responsible needs to ensure that these entities guarantee a level of protection of the financial interests of the European Union equivalent to that required when the Commission manages European Union funds. IMF and UNDP comply with the conditions set out in points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary. The SPREP and PIFS are currently undergoing the assessment provided for in Article 61 of Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the authorising officer responsible deems that, based on the entities’ positive assessment prior to the entry into force of Regulation (EU, Euratom) No 966/2012 and on the long-standing and problem-free cooperation with them, budget-implementation tasks can be entrusted to the PIFS and the SPREP.
- (8) USP is currently undergoing an assessment to be recognized as an International Organisation. Ratification of the International Agreement is under way.
- (9) 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 applicable in accordance with Article 2(1) and Article 29(1) of Regulation (EU) 2015/323.
- (10) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, any substantial change to a financing decision that has already been adopted should follow the same procedure as the initial decision. It is therefore appropriate that the Commission defines the changes to this Decision that are considered non-substantial

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<sup>5</sup> 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).

in order to ensure that any such changes can be adopted by the authorising officer responsible.

- (11) The measures provided for in this Decision are in accordance with the opinion of the EDF Committee established under Article 8 of the Internal Agreement.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### **Adoption of the programme**

The Annual Action Programme 2018 part 1 in favour of the Pacific region as set out in the Annexes, is adopted.

The programme shall include the following actions:

- Annex I: Pacific – European Union Waste Management Programme (PacWaste Plus);
- Annex II: Strengthening Public Finance Management (PFM) and Governance in the Pacific project.

#### *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 28 000 000 and shall be financed from the 11<sup>th</sup> European Development Fund.

The amount referred to in the first paragraph includes contributions from other donors to the 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**

Budget-implementation tasks under indirect management may be entrusted to the entities identified in the Annexes, subject to the conclusion of the relevant agreements.

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

#### *Article 4*

##### **Non-substantial changes**

Increases or decreases of up to EUR 10 000 000 not exceeding 20 % of the contribution set in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not 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 applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, provided that they do not significantly affect the nature and objectives of the actions. The use of contingencies shall be taken into account in the ceiling set by this Article.

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

Done at Brussels, 12.1.2018

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