COMMISSION DECISION

of 26.11.2019

on the financing of the annual action programme in favour of the Pacific region for 2019
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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) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund\(^1\), and in particular Article 9(1) thereof,

Having regard to Council Regulation (EU) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund, and repealing Regulation (EU) 2015/323\(^2\), and in particular Article 24 thereof,

Whereas:

(1) In order to ensure the implementation of the annual action programme in favour of the Pacific region for 2019, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2019. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.

(2) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU\(^3\).

(3) The Commission has adopted the 11th European Development Fund (EDF) EU-Pacific Regional Indicative Programme (RIP) for the period 2014-2020\(^4\), 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.

(4) The objectives pursued by the annual action programme to be financed under the 11th EDF Internal Agreement\(^5\) (‘Internal Agreement’) are to generate improved economic, social, health and environmental benefits for the Pacific states that are part of the African, Caribbean and Pacific (ACP) Group, which arise from stronger regional economic integration and the sustainable management of natural resources and environment.

\(^1\) OJ L 58, 3.3.2015, p. 1.


\(^3\) www.sanctionsmap.eu. Note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy, the OJ prevails.


\(^5\) 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.
The action entitled ‘Pacific Regional Integration Support (PRISE) Programme’ (Annex I) aims to strengthen the regional trade and business enabling environment, as well as to increase the participation of the private sector in economic integration.

The action entitled ‘Investment Facility for the Pacific (IFP) replenishment’ (Annex II) will support investment projects contributing to the objectives of the 11th EDF EU-Pacific RIP for the period 2014-2020.

The Commission should acknowledge and accept contributions from other donors in accordance with Article 8(2) of Regulation (EU) 2018/1877, subject to the conclusion of the relevant agreement. Where such contributions are not denominated in euro, a reasonable estimate of conversion should be made.

Pursuant to Article 15 of Regulation (EU) 2018/1877 indirect management is to be used for the implementation of the programme.

The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of Regulation (EU, Euratom) 2018/1046 applicable in accordance with Article 30(1) of Regulation (EU) 2018/1877.

To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of Regulation (EU, Euratom) 2018/1046 and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.

It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046 applicable in accordance with Article 24(2) and Article 25 of Regulation (EU) 2018/1877.

In order to allow for flexibility in the implementation of the programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.

The actions 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**

The programme

The annual action programme in favour of the Pacific region for 2019, as set out in the Annexes, is adopted.

The programme shall include the following actions:

(a) ‘Pacific Regional Integration Support (PRISE) Programme’ set out in Annex I;

(b) ‘Investment Facility for the Pacific (IFP) replenishment’ set out in Annex II.

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6 Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an ex-ante assessment.
Article 2
Union contribution
The maximum Union contribution for the implementation of the programme for 2019 is set at EUR 94 000 000, and shall be financed from the 11th European Development Fund:
– Regional Allocation for the Pacific.
The appropriations provided for in the first paragraph may also cover interest due for late payment.

Article 3
Methods of implementation and entrusted entities or persons
The implementation of the actions to be carried out by way of indirect management, as set out in the Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5.4 of the Annexes.

Article 4
Flexibility clause
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\(^7\) 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 for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046, applicable in accordance with Article 24(2) of Regulation (EU) 2018/1877, provided that these changes 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 apply the changes referred to in the first paragraph, acting in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 26.11.2019

For the Commission
Neven MIMICA
Member of the Commission

\(^{7}\) These changes can come from assigned revenue made available after the adoption of the financing decision.