COMMISSION DECISION

of 13.12.2013

amending Commission Decision C(2011) 10072 on the Technical Cooperation Facility Programme for 2011 in favour of the Dominican Republic to be financed from the 10th 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 the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000¹ and revised in Ouagadougou, Burkina Faso, on 22 June 2010² (hereinafter referred to as “the Cotonou Agreement”), and in particular Articles 16 and 34 of Annex IV thereof,

Having regard to Council Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th European Development Fund under the Cotonou Agreement³, and in particular Article 7 thereof,

Having regard to the Council Regulation (EC) No 215/2008 of 18 February 2008 on Financial Regulation applicable to the 10th European Development Fund⁴ (hereinafter referred to as “the 10th EDF Financial Regulation”) and in particular Article 67 thereof,

Whereas:

(1) Commission Decision C(2011) 10072 on the Annual Action Programme 2011 in favour of the Dominican Republic pursued the following objective by the Technical Cooperation Facility: to support the implementation of the Government of the Dominican Republic development strategies and policies through improving assistance by the European Union, in accordance with Art 79 of the Cotonou Agreement.

(2) On the 18th October, the Government of Dominican Republic requested an increase of the total budget for the Technical Cooperation Facility for an additional amount of EUR 4,145,529.78 in order to cover unforeseen needs, reinforce existing activities and assist in the preparation and formulation of programmes to be supported from the 11 EDF.

(3) It is appropriate to respond positively to this request of the beneficiary country, for an additional amount of EUR 4,145,529.78, and to amend Decision C (2011) 10072 accordingly.

(4) This Decision constitutes a Financing Decision within the meaning of Article 16 of Annex IV to the Cotonou Agreement and Article 67 of the 10th EDF Financial Regulation.

¹ OJ L 317, 15.12.2000, p. 3
² OJ L 287, 4.11.2010, p.3
³ OJ L 152, 13.6.2007, p. 1
⁴ OJ L 78, 19.03.2008, p.1
(5) 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 87(2) of the 10th EDF Financial Regulation and Article 111(4) of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union5.

(6) The Commission is required to define the term "non-substantial change" in the sense of Article 9(2) of Council Regulation (EC) n°617/2007 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").

(7) The measure provided for in this Decision is in accordance with the opinion of the European Development Fund Committee set up under Article 8 of the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multiannual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies6.

HAS DECIDED AS FOLLOWS:

**Article 1**

An increase of the Union contribution of a further EUR 4,145,529.78, to the Annual Action Programme 2011.

**Article 2**

Decision C (2011) 10072 is amended as follows:

1. The text of Article 2 is replaced by the following:
   "The maximum contribution of the European Union to the Technical Cooperation Facility is set at EUR 5,845,529.78, to be financed from the 10th European Development Fund”.

2. The text of art. 3 is replaced by the following:
   "Increases or cumulated changes to the allocations of specific actions not exceeding 20% of the contribution referred to in the first paragraph of Article 2 and not representing more than EUR 10 million shall not be considered substantial, 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 referred to in this article. The responsible authorising officer may adopt these non-substantial changes in accordance with the principles of sound financial management and proportionality”.

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3. Annex I is replaced by Annex I to the present Decision.
Done at Brussels, 13.12.2013

For the Commission
Fernando Frutuoso De Melo
Director-General