COMMISSION IMPLEMENTING DECISION


on the Annual Action Programme 2016 and 2017 part I in favour of Guatemala for theme competitiveness and conflict resolution, peace and security to be financed from the general budget of the Union
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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action, and in particular Article 2(1) thereof,


Whereas:

(1) The Commission has adopted the Multiannual Indicative Programme for the period 2014-2020, point 1.2 of which provides for the following priorities: food security and nutrition; conflict resolution, peace and security; and competitiveness.

(2) The objectives pursued by the Annual Action Programme to be financed under the Development Cooperation Instrument are (i) to improve competitiveness by enhancing efficiency and transparency of public expenditure and fight corruption in the Government’s human resources management system and, (ii) to combat corruption and impunity caused by criminal organizations with links to entities or agents of the State through the support of the UN backed International Commission against Impunity in Guatemala (CICIG).

(3) Action entitled “Censo de trabajadores del Gobierno de Guatemala” (Census of government workers in Guatemala) which aims to support the Government to develop an effective, efficient and transparent human resources management system. The programme is designed so that upon completion of the activities foreseen, the following results will be produced: (i) A census of Government workers completed, (ii) A reliable database containing standardized and systematized information of Government workers is fully functional on a modern and sustainable human resources management IT system, and (iii) Improved monitoring and control mechanisms in the Government’s human resources management system. The implementing arrangement of the Action is indirect management with the World Bank. For this purpose, an

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1 OJ L 77, 15.3.2014, p. 95.
3 C(2014) 5548, 08.08.2014
Administration Agreement in the context of the Framework Agreement between the
World Bank Group and the European Commission will be signed.

(4) Action entitled "Support to the extended mandate of the International Commission
against Impunity in Guatemala (CICIG)" which aims to combat corruption and
impunity caused by criminal organizations with links to entities or agents of the State
who violate citizen's rights in Guatemala or have the capacity to generate impunity for
themselves (known by the Spanish acronym CIACS). The action is designed so that
upon completion of the activities foreseen, the following results will be achieved: (i)
Improved capacity of the institutions responsible for the investigation and prosecution
of crimes committed by CIACS; (ii) The State of Guatemala has a comprehensive and
strengthened regulatory and institutional framework of the justice system to eradicate
and prevent the recurrence of CIACS. The implementation modality for this action
will be indirect management with the United Nations Development Programme
(UNDP). For this purpose, a Contribution Agreement in the context of the Financial
and Administrative Framework Agreement between the EU and the United Nations
(FAFA) will be signed.

(5) Action entitled "Prevention of violence and crime against women, children and
youth": the programme is designed so that upon completion of the activities foreseen,
the following results will be produced: (i) the institutional capacity to prevent violence
against women children and youth is enhanced. Better implementation of policies and
improved mechanisms to prevent violence. (ii) Increased efficiency in the assistance
provided to the victims, (iii) there is an efficient, measurable response of the justice
system and an adequate implementation of the legal framework.

(6) It is necessary to adopt a financing decision the detailed rules of which are set out in

(7) 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) and (2) of Regulation (EU,
Euratom) No 966/2012, the authorising officer responsible needs to ensure that these
entities guarantee a level of protection of the financial interests of the Union
equivalent to that required when the Commission manages Union funds. These entities
comply with the conditions of 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.

(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.

(9) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, 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
Development Cooperation Instrument Committee set up by Article 19 of the financing
instrument referred to in Recital 2,

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5 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
HAS DECIDED AS FOLLOWS:

Article 1
Adoption of the measure
The Annual Action Programme 2016 and 2017 part I in favour of Guatemala for theme competitiveness and conflict resolution, peace and security, as set out in the Annexes, is approved.

The programme shall include the following actions:
Annex 1: Censo de trabajadores del Gobierno de Guatemala;
Annex 2: Support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG);
Annex 3: Prevention of violence and crime against women, children and youth.

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 10 300 000 and shall be financed from budget line 21 02 01 of the general budget of the Union for 2016 and for 2017, EUR 15 000 000, subject to the availability of appropriations following the adoption of the relevant budget.6

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 entities identified in the attached Annexes 1 and 2, subject to the conclusion of the relevant agreements.

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

Article 4
Non-substantial changes
Increases or decreases of up to EUR 10 000 000 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 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 and objectives of the actions.

6 The 2017 budget was adopted on 1 December 2016.
The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.


For the Commission
Neven MIMICA
Member of the Commission