COMMISSION DECISION

of 12.12.2017

on the Annual Action Programme 2017 - part II - in favour of the Republic of Haiti to be financed from the 11th 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) 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) 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 Country Strategy Paper for Haiti³ for the period 2014-2020⁴, which prioritises State Reform and modernisation of the public administration (first focal sector), education in its two components of basic education and vocational training (second focal sector), urban development and infrastructure (third focal sector), food security (fourth focal sector), support to civil society and support to project cycle (non-focal sector). These priorities are consistent with the Strategic Development Plan of Haiti (Plan Stratégique de Développement d’Haïti - PSDH) making Haiti an emerging country by 2030, which is the reference document for all development efforts in Haiti.

(2) The Commission has adopted the Annual Action Programme 2017 - part I - in favour of the Republic of Haiti⁵, for the action entitled "URBAYITI : Gouvernance urbaine et villes résilientes".

(3) The objectives pursued by the Annual Action Programme – part II - to be financed under the 11th European Development Fund (EDF) Internal Agreement⁶ (‘Internal Agreement’) are to consolidate the capacity for resilience of the Haitian State, as well as to support the contribution of the transport sector towards sustainable and inclusive economic growth. More specifically, the objectives targeted by the programme call for 1) improved performance by the government in the management of public finances, in the public administration and in the provision of basic services to the population by the

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¹ OJ L 58, 3.3.2015, p. 1.
² OJ L 58, 3.3.2015, p. 17.
³ C(2014) 3716 final of 11.06.2014.
⁴ Commission Decision on the adoption of the National Indicative Programme between the European Union and Haiti C(2014)3716 final of 11.06.2014
⁵ C(2017)7206, 27.10.17
⁶ 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).
State, in particular in the area of education on disaster risk reduction and climate change adaptation/climate change and 2) improved institutional governance, efficiency and performance of the transport sector.

(4) The action entitled ‘Programme Haïtien d'Appui à la Réforme de l'Etat (SBC-II)’ is based on the objectives of improving resilience and governance in the conditions of a fragile state frequently affected by climate-related impacts, and of securing decent economic and social living conditions for the population through improved provision of basic services. It will be implemented through budget support and accompanying measures to complement the provision of budget support through technical assistance.

(5) The action entitled ‘Amélioration de la gouvernance dans le secteur des transports en Haïti’ aims to improve institutional governance, efficiency and performance of the transport sector so that the sector can contribute effectively to the development of the country. It will be implemented through direct and indirect management.

(6) 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 2(1) and Article 26 of Regulation (EU) 2015/323.

(7) It is necessary to adopt a work programme for grants in accordance with Article 128(1) of Regulation (EU, Euratom) No 966/2012 and Article 188(1) of Delegated Regulation (EU) No 1268/2012 applicable in accordance with Article 2(1) and Article 37(1) of Regulation (EU) 2015/323. The work programme is set out in the Annex 2.

(8) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in the Annex 1 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. The entity Institut international de planification de l'éducation (IIEP)/UNESCO complies 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. 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 Agence Française d'Expertise Technique Internationale (Expertise France) and the Spanish International Cooperation Agency for Development (AECID).

(9) The Commission should entrust budget-implementation tasks under indirect management to the partner country specified in the Annex 1 and Annex 2 to this Decision, subject to the conclusion of a financing agreement. In accordance with Article 60(1)(c) 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 measures are taken to supervise and support the implementation of the entrusted tasks. A description of those measures and the entrusted tasks are laid down in the Annex 1 and Annex 2 to this Decision.

(10) The authorising officer responsible should be able to award grants without a call for proposals only in the exceptional cases set out in Article 190 of Delegated Regulation (EU) No 1268/2012 EDF, applicable in accordance with Article 2(1) and Article 37(1) of Regulation (EU) 2015/323.

(11) 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.

(12) The measure provided for in this Decision is in accordance with the opinion of the European Development Fund Committee established under Article 8 of the Internal Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the programme

The Annual Action Programme 2017 - part II - in favour of the Republic of Haiti, as set out in the Annexes, is adopted.

The programme shall include the following actions:

– Annex 1: Programme Haïtien d'Appui à la Réforme de l'Etat (SBC-II);
– Annex 2: Amélioration de la gouvernance dans le secteur des transports en Haïti.

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 138 000 000 and shall be financed from the 11th 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.

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 2(1) and Article 37(1) of Regulation (EU) 2015/323.

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, 12.12.2017

For the Commission
Neven Mimica
Member of the Commission