



EUROPEAN COMMISSION

Brussels, 26.4.2012
C(2012) 2722 final

COMMISSION DECISION

of 26.4.2012

concerning the adoption of a financing decision, work programme and grant award decision for 2012 in favour of Mayotte for the implementation of the Preparatory action titled "Supporting Mayotte, or any other territory potentially affected, with the switchover to outermost-region status" to be financed under budget line 13 03 33

COMMISSION DECISION

of 26.4.2012

concerning the adoption of a financing decision, work programme and grant award decision for 2012 in favour of Mayotte for the implementation of the Preparatory action titled "Supporting Mayotte, or any other territory potentially affected, with the switchover to outermost-region status" to be financed under budget line 13 03 33

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹ (hereinafter referred to as the 'Financial Regulation'), and in particular Article 49(6)(b) and Article 75(2) thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (hereinafter referred to as the 'Implementing Rules')², and in particular Article 90 thereof,

Whereas:

- (1) In the budget of the European Union for 2012, the budgetary authority has allocated EUR 2 000 000 to the Preparatory action "Supporting Mayotte, or any other territory potentially affected, with the switchover to outermost-region status" under budget line 13 03 33.
- (2) The objective pursued by the preparatory action "Supporting Mayotte, or any other territory potentially affected, with the switchover to outermost-region status" is to provide training of Mayotte administrative staff that will be responsible for drawing up, managing, following up and monitoring future operational programmes during its preparation to obtain the status of "outermost region" by 2014.
- (3) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the budget of the European Union shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

¹ OJ L 248, 16.9.2002, p. 1.

² OJ L 357, 31.12.2002, p. 1.

- (4) In accordance with Article 110 of the Financial Regulation an annual work programme must be adopted for grants.
- (5) The 2012 work programme being a sufficiently detailed framework in the meaning of Article 90(3) of the Implementing Rules, the present decision constitutes a financing decision for the expenditure provided for in the work programme for grants.
- (6) Under Article 168(1)(c) of the Implementing Rules, grants may be awarded without a call for proposals in the case(s) of bodies with a *de jure* or *de facto* monopoly, duly substantiated in the award decision. In the framework of the provision of assistance to support Mayotte in the process of its switchover to outermost region status, the "Agence de Services et de Paiement" (ASP), which is a public organization, holds a *de facto* monopoly position, because it constitutes the only organization which is capable of providing: a) administrative and financial management of public funds, b) expertise and technical and administrative assistance to the national administration concerning the implementation of policies and c) monitoring and evaluation of public policies. The French Prefecture in Mayotte constitutes also a public body that holds a "de facto" monopoly in the framework of this Preparatory Action because of its unique position within the French public authorities, responsible for the preparation of Mayotte to switch to an outermost region status. Within the Preparatory Action "Supporting Mayotte, or any other territory potentially affected, with the switchover to outermost-region status", a grant will be awarded to the ASP and to the French Prefecture in Mayotte with the objective to provide training to the officials of the national administration of Mayotte in order for the latter to be able to prepare, manage and monitor the future operational programmes.
- (7) This financing decision may also cover the payment of interest due for late payment on the basis of Articles 83 of the Financial Regulation and 106(5) of the Implementing Rules,

HAS DECIDED AS FOLLOWS:

Article 1

The annual work programme for the implementation of the Preparatory action "Supporting Mayotte, or any other territory potentially affected, with the switchover to outermost-region status" for 2012, as set out in the Annex, is hereby adopted. It constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

Article 2

The maximum contribution authorised by this Decision for the implementation of the Programme is set at EUR 2 000 000 to be financed from the budget line 13 03 33 of the General Budget of the European Union for 2012.

These appropriations may also cover interest due for late payment.

Article 3

A grant may be awarded without a call for proposals to the "Agence de Services et de Paiement" (ASP) and to the French Prefecture in Mayotte, bodies with a *de facto* monopoly situation, in accordance with the conditions detailed in the annexed work programme.

Done at Brussels, 26.4.2012

For the Commission
Johannes Hahn
Member of the Commission

ANNEX
2012 WORK PROGRAMME

**Preparatory action "Supporting Mayotte, or any other territory potentially affected,
with the switchover to outermost-region status"**

1. INTRODUCTION

1.1. Budget line

13 03 33

1.2. Basic Act

Preparatory action within the meaning of Article 49(6)b of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the General budget of the European Communities (OJ L 248, 16.9.2002, p.1).

1.3. Policy context

The aim of the preparatory action is to provide the *département* of Mayotte with support during its changeover to the status of outermost region. The "*Agence de Services et de Paiement*" (ASP) and the French Prefecture in Mayotte, which will be the beneficiaries of a grant, will monitor the implementation of the action and will ensure the respect of all the conditions relating to the award of a grant (the smooth development of the project, the eligibility of the incurred costs, the reporting to the Commission etc). The Commission will act as a facilitator, meaning that due to the important budget that will be allocated once Mayotte receives the status of outermost region the Commission will follow-up closely the activities envisaged in the work programme in order to ensure that the region is adequately prepared to manage the budget that will be allocated in the framework of the structural funds.

1.4. General objectives of the preparatory action

The plan to change Mayotte's status from overseas country or territory to outermost region is the first of its kind for the Union. The process of making this status change has been simplified by the entry into force of the Treaty on the Functioning of the European Union, Article 355(6) of which provides for a unanimous vote on the matter in the European Council. On 26 October 2011, the French Government made a request to the European Council for Mayotte to be granted outermost region status from 2014. This places Mayotte in a similar situation to that of pre-accession countries, which are required to carry out essential structural reforms in connection with which the Union provides various types of support intended to facilitate the transposition of the *acquis* and the implementation of Union policies. As a result of the change of status, the local authorities in Mayotte will be required to handle new types of Union funding involving different amounts and different procedures from those applying under the European Development Fund (EDF), their current source of funding. This preparatory action will focus primarily on technical assistance measures for the training of Mayotte administrative staff who will be responsible for drawing up, managing, following up and monitoring future operational programmes. As a territory of a Member State, Mayotte is not entitled to pre-accession instrument funding; at the same time, given that it is not yet a

region as referred to in the general provisions on the Structural Funds, it is not entitled to technical assistance either.

2. SINGLE ACTION/ TYPE OF FINANCIAL INTERVENTION

GRANT TO ASP AND TO THE FRENCH PREFECTURE IN MAYOTTE

A direct grant will be awarded to ASP and to the French Prefecture in Mayotte for a maximum amount of EUR 2 000 000. The proposition shall be evaluated on the basis of two award criteria: a) its relevance vis-à-vis the budgetary comments of the European Parliament and b) its efficiency.

In the framework of this grant, training will be provided to the Mayotte administrative staff in charge of preparing, managing and monitoring the future operational programmes (officials from the Mayotte prefecture, from external state services, from the General Council and from partner public organisations). The co-financing rate is set at a maximum of 85%.

A grant decision or grant agreement will be signed between the Commission on one hand and the two beneficiaries on the other hand.

Maximum budget: EUR 2 000 000.