

Brussels, 21.6.2017
C(2017) 4183 final

COMMISSION DECISION

of 21.6.2017

on the allocation of funds under the African Peace Facility from the 11th European Development Fund for the support to the African Union Human Rights Observers and Military Experts Mission in Burundi

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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 15 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 Three-Year Action Programme and the Financing Decision of the African Peace Facility (APF) for the period 2014-2016 by the Commission Decision C(2014) 4907 of 15 July 2014.
- (2) The overall objective pursued by the APF to be financed under the 11th European Development Fund (EDF) Internal Agreement³ ("Internal Agreement") is to foster peace, stability and security in Africa, providing the basis for long-term sustainable development. It supports the implementation of the Partnership on Peace and Security within the Joint Africa-EU Strategy, adopted at the 2nd Africa-EU Summit in Lisbon on 9 December 2007 and reconfirmed by the 2nd Action Plan on Peace and Security in Africa adopted at the 3rd Africa-EU Summit in Tripoli on 29-30 November 2010.
- (3) The African Union Peace and Security Council (AU PSC), at its 515th meeting held on 13 June 2015 in Johannesburg, decided on the immediate deployment of human rights observers and military experts in Burundi.
- (4) The action entitled "Support to the African Union Human Rights Observers and Military Experts Mission in Burundi" provides financial support from the APF to the African Union Human Rights Observers and Military Experts Mission in Burundi. The main objective pursued by this action is to provide financial support to the African Union Commission (AUC) to enable the deployment of its mission to Burundi. The main objective of the AU mission is to help to improve the security situation in Burundi and to facilitate AU efforts to find a durable solution to the crisis by regular reporting by the mission to the AU PSC on possible human rights violations, the implementation of the disarmament process and the security situation in Burundi.

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 58, 3.3.2015, p. 17.

³ 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 OCTs to which Part Four of the Treaty on the Functioning of the European Union applies (OJ L 210, 6.8.2013, p.1).

- (5) In a "note verbale" dated 7 October 2016, the AUC requested an amount of EUR 10 000 000 from the Peace Support Operations' envelope of the APF to support the mission from 1 November 2016 to 31 October 2017 and to thus continue the support already provided by the APF's Early Response Mechanism between the mission's initial deployment in July 2015 and 31 October 2016. The requested amount is to mainly cover the salaries and allowances of the human rights observers and military experts as well as the operational costs of the mission.
- (6) After a positive assessment by the Commission services and the European External Action Service, the Political and Security Committee of the Council agreed on 10 January 2017 on the political appropriateness of providing the requested support of up to EUR 10 000 000 to the African Union Human Rights Observers and Military Experts Mission in Burundi for the period 1 November 2016 to 31 October 2017.
- (7) It is therefore appropriate to provide the AUC with an amount of EUR 10 000 000 from the APF peace support operations' envelope. As stipulated in the Financing Decision C(2014) 4907, a Commission Decision is required to allocate funds in support of a new African-led Peace Support Operation.
- (8) The Commission should entrust budget-implementation tasks under indirect management to the entity specified in the Annex to this Decision, subject to the conclusion of a delegation agreement. 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 this entity guarantees a level of protection of the financial interests of the European Union equivalent to that required when the Commission manages European Union funds. The AUC underwent the assessment under Regulation (EU, Euratom) No 966/2012. In application of the results of this review, which were not satisfactory for the procurement, accountancy and sub-delegation pillars, the authorising officer responsible deems that, based on the longstanding cooperation with the AUC, budget implementation tasks can be entrusted to this entity subject to the implementation of remedial measures described under section 5.3.1 of the Annex to this Decision. which are to be included in the Special Conditions of the delegation agreement.
- (9) 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.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

1. The allocation of funds under the African Peace Facility from the 11th European Development Fund for Support to the African Union Human Rights Observers and Military Experts Mission in Burundi, as set out in the Annex, is adopted.

The measure shall include the following action:

Annex : Support to the African Union Human Rights Observers and Military Experts Mission in Burundi

2. In order to guarantee sound financial management, the remedial measures described under section 5.3.1 of the Annex to this Decision are approved.

Article 2

Methods of implementation

Budget-implementation tasks under indirect management may be entrusted to the entity identified in the Annex to this Decision, subject to the conclusion of the relevant agreement.

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 Annex to this Decision.

Done at Brussels, 21.6.2017

For the Commission
Neven Mimica

Member of the Commission