



Brussels, 7.10.2015
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COMMISSION DECISION

of 7.10.2015

**on the 2015 Annual Action Programme for the Democratic Republic of the Congo to be
financed under 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 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 2014-2020 Multiannual Indicative Programme³, point 1.2 of which identifies the following priorities: combating poverty, the environment, governance and infrastructure.
- (2) The 2015 annual action programme financed under the 11th EDF⁴ is designed to help protect and draw maximum benefit from the unique environmental capital of the Democratic Republic of the Congo by strengthening the link between conservation results and the corresponding increase in economic rewards for the population concerned.
- (3) The measure entitled ‘Environment and sustainable agriculture for the conservation of key biological sites in the Democratic Republic of the Congo’ will be implemented through a project-based approach consisting of (i) indirect management with the Democratic Republic of the Congo; (ii) indirect management with the Centre for International Forestry Research (CIFOR) and (iii) direct management.
- (4) A financing decision should therefore be adopted, the procedures for which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012⁵, applicable by virtue of Article 26 of Regulation (EU) 2015/323.
- (5) The Commission should delegate budget-implementation tasks under indirect management to the entity specified in this Decision, subject to the conclusion of a

¹ OJ L 58, 3.3.2015, p.1.

² OJ L 58, 3.3.2015, p. 17.

³ Decision C(2014) 3904.

⁴ 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.

⁵ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the responsible authorising officer must 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. This entity complies 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.

- (6) The Commission should delegate budget-implementation tasks under indirect management to the partner country specified in 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 by virtue of Articles 17 and 2(1) of Regulation (EU) 2015/323, the authorising officer responsible must ensure that measures are taken to supervise and support implementation of the delegated tasks. Those measures and delegated tasks are described in the annex to this Decision.
- (7) The authorising officer responsible may award grants without a call for proposals provided that the conditions for an exception to a call for proposals laid down in Article 190 of Delegated Regulation (EU) No 1268/2012, applicable by virtue of Article 37(1) of Regulation (EU) No 323/2015, are fulfilled. Four direct grants are planned under this programme: (i) a grant to the World Wildlife Fund for activities relating to the Salonga National Park; (ii) a grant to the African Parks Network (APN) for activities relating to Garamba National Park; (iii) a grant to the Virunga Foundation for activities relating to Virunga National Park. The use of this grant-award procedure is justified by the fact that the beneficiaries have a *de jure* monopoly, as cooperation agreements have been concluded between the Congolese Institute for the Conservation of Nature (ICCN) and the beneficiaries, and partnerships for the delegation of responsibility for management and coordination have been or are in the process of being finalised. (iv) a grant to the Virunga Foundation for activities relating to micro-hydro power plants in the Virunga mountains. The use of this grant-award procedure is justified by the fact that the beneficiary has a *de facto* monopoly: it is the only operator to have designed, built and co-funded similar facilities in eastern Democratic Republic of the Congo over the last ten years. It has funded and carried out feasibility studies (technical, environmental and social) and local consultation for new plants. It is the only operator able to build facilities in unstable parts of eastern Democratic Republic of the Congo in acceptable security conditions and access the necessary cofinancing (blending).
- (8) Payment of interest due for late payment should be made 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 by virtue of Article 29(1) of Regulation (EU) 2015/323.
- (9) In accordance with Article 94(4) of Delegated Regulation (EU) No 1268/2012, the Commission is required to define the meaning of ‘non-substantial changes to this Decision’ to ensure that any such changes may be adopted by the authorising officer responsible.
- (10) 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 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 applies⁶.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The Decision on the 2015 Annual Action Programme for the Democratic Republic of the Congo to be financed under the 11th European Development Fund, as set out in the annex, is hereby adopted.

The programme shall include the following action:

- Annex: Environment and sustainable agriculture for the conservation of key biological sites in the Democratic Republic of the Congo.

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 120 000 000, to be financed from the European Development Fund.

The financial contribution provided for in the first paragraph may also cover interest due for late payment.

Article 3

Implementation methods

Budget implementation tasks under indirect management may be delegated to the entities identified in the Annex, subject to conclusion of the relevant agreements.

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

The authorising officer responsible may award grants without a call for proposals in accordance with Article 190 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, cumulated changes to the allocations of specific measures not exceeding 20 % of that contribution, or 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 or objectives of the actions. The use of the contingency reserve shall be taken into account in the ceiling set in this Article.

⁶ OJ L 210, 6.8.2013, p. 1.

The authorising officer responsible may adopt these non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 7.10.2015

For the Commission
Neven MIMICA
Member of the Commission