



Brussels, 14.12.2015
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COMMISSION DECISION

of 14.12.2015

**on a pilot project for the Democratic Republic of the Congo to be financed under the
general budget of the European 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, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002¹, and in particular Articles 54(2) and 84(2) thereof,

Whereas:

- (1) The Commission has adopted the 2014-2020 Multiannual Indicative Programme², point 3.3 of which establishes strengthening governance and the rule of law as a priority sector. One of the specific goals of the justice component is to strengthen the fight against impunity and serious human rights violations.
- (2) The Commission is aligning its actions with the 2015-2020 Growth and Poverty Reduction Strategy Paper, which sets out a medium-term development policy and establishes the strengthening of governance and peace as one of its main pillars.
- (3) The Commission supports the commitments made in relation to the implementation of the Peace, Security and Cooperation Framework Agreement for the Democratic Republic of the Congo and the Region, signed in 2013 in Addis Ababa. In this context reform of the justice sector is particularly important, with the fight against impunity for serious crimes, administrative reform and prison reform having been identified as priorities.
- (4) In the context of EU policy on transitional justice and the fight against impunity for serious crimes, the EU Joint Staff Working Document on the Principle of Complementarity of 31 January 2013³ sets out to bridge the gap between international criminal justice and national justice systems in relation to the prosecution of crimes under international criminal law. Furthermore, the EU Strategic Framework on Human Rights and Democracy⁴ and the Action Plan for 2015-2019 entitled 'Keeping Human Rights at the Heart of the EU Agenda'⁵ provide for support for national justice systems, the EU's commitment to the promotion of human rights and transitional justice, building the capacity of local civil society in these fields and support for regional and international mechanisms for the protection of human rights.

¹ OJ L 298, 26.10.2012, p. 1.

² Commission Decision of 17 June 2014 on the adoption of the National Indicative Programme between the European Union and the Democratic Republic of the Congo (C(2014)3904).

³ SWD(2013)26

⁴ Luxembourg, 25 June 2012, 11855/12.

⁵ JOIN(2015) 16

- (5) In accordance with the Union's policy framework on transitional justice, the Commission is strengthening its involvement in the fight against impunity for serious crimes in the DRC. Specifically, through this action the Commission is committed to supporting particularly innovative pilot initiatives in the area of international criminal justice. Such initiatives will then be included in the support programme for justice reform, financed under the 11th European Development Fund.
- (6) The aim of this action, 'Access to justice and compensation for victims of serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo', is to help victims of serious crimes secure justice before the national courts in the DRC and via regional and international mechanisms with a view to ensuring that offenders are prosecuted and compensation granted. The three specific objectives are to: support civil courts exercising their powers to prosecute serious crimes; support lawyers so that victims of serious crimes are represented in the national courts and regional and international human rights protection mechanisms and can obtain justice and compensation; support local non-governmental organisations in order to document and record serious crimes with a view to ensuring that victims have effective access to justice and that their cases are followed up in terms of information, compensation and protection.
- (7) A financing decision should be adopted, for which the detailed rules are set out in Article 94 of the Commission Delegated Regulation (EU) No 1268/2012⁶.
- (8) The Commission should delegate budget-implementation tasks under indirect management to the entities identified 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 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. The United Nations Development Programme is currently undergoing the assessment required by Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this assessment, the responsible authorising officer deems that, given the positive assessment under the previous Council Regulation (EC, Euratom) No 1605/2002⁷ and the longstanding and high-quality cooperation with this entity, budget-implementation tasks may be delegated to this entity.
- (9) 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.
- (10) 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,

⁶ 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).

⁷ 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).

HAS DECIDED AS FOLLOWS:

Article 1

Approval of a pilot project

The pilot project for the Democratic Republic of the Congo to be financed under the general budget of the European Union, details of which are provided in the Annex, is hereby approved.

The pilot project includes the action ‘Access to justice and compensation for victims of serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo’.

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the pilot project referred to in Article 1 is set at EUR 790 000 and shall be financed under budget line 21 02 77 23 of the general budget of the European Union for 2015.

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

The implementation of this Decision is subject to the availability of the appropriations provided for in the draft budget for 2016 after the adoption of the budget for that financial year or as provided for in the system of provisional twelfths.

Article 3

Implementation methods

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

The elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012 are set out in the Annex to this Decision.

Article 4

Non-substantial changes

Increases or decreases not exceeding 20 % of the contribution set out in the first paragraph of Article 2, cumulated changes to the appropriations allocated to specific actions 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.

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

Done at Brussels, 14.12.2015

For the Commission
Neven MIMICA
Member of the Commission