



Brussels, 29.10.2015
C(2015) 7368 final

COMMISSION DECISION

of 29.10.2015

**concerning an individual measure for the Republic of 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 Fund (EDF)¹, 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 the Republic of Congo for the period 2014-2020³, which sets out the following priorities:
 - to contribute to the diversification of the economy and job creation through better economic governance, private-sector development and the development of commercial activities;
 - to improve forest governance with a view to sustainable, transparent and more equitable management of natural resources;
 - to foster local development and strengthen local government.
- (2) The measure financed under the 11th EDF Internal Agreement⁴ (hereinafter referred to as the ‘Internal Agreement’) is aimed at increasing the effectiveness of European aid through support for the identification, formulation, implementation, follow-up and monitoring and evaluation of European Union-Republic of Congo cooperation projects.
- (3) A financing decision should 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.

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 58, 3.3.2015, p. 17.

³ Decision C(2015)1356 of 2 March 2015.

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) (‘11th EDF Internal Agreement’).

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).

- (4) 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.
- (5) 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.
- (6) In accordance with Article 94(4) of Delegated Regulation (EU) No 1268/2012, the Commission must define the meaning of ‘non-substantial changes to this Decision’ to ensure that any such changes may be adopted by the authorising officer by delegation responsible.
- (7) The measure provided for in this Decision does not fall into the categories of measures for which the prior opinion of the Committee is required. The European Development Fund Committee set up by Article 8 of the Internal Agreement should be informed of this Decision within one month of its adoption,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The individual measure for the Republic of Congo to be financed from the 11th European Development Fund, as set out in the Annex, is adopted.

The measure consists in the following action:

- Annex: Technical Cooperation Facility IV.

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the measure referred to in Article 1 is set at EUR 3 000 000, to be financed under the 11th 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 entity identified in the Annex, subject to conclusion of the relevant agreement.

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 applicable by virtue of Article 26 of Regulation (EU) 2015/323.

Article 4

Non-substantial changes

Increases or decreases not exceeding 20 % of the contribution set 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, applicable by virtue of Article 26 of Regulation (EU) 2015/323, 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 adopt these non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 29.10.2015

For the Commission
Neven MIMICA
Member of the Commission