



Brussels, 28.1.2015
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COMMISSION DECISION

of 28.1.2015

**on the individual measure in the field of governance in favour of Zimbabwe to be
financed from the European Development Fund Bridging Facility**

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THE EUROPEAN COMMISSION,

Having regard to Council Regulation (EU) No 566/2014 amending Regulation (EC) No 617/2007 on the implementation of the 10th European Development Fund (EDF) as regards the application of the transition period between the 10th EDF and the 11th EDF until the entry into force of the 11th EDF Internal Agreement¹, and in particular Article 9 (1) of its annex,

Having regard to Council Regulation (EU) No 567/2014 amending Regulation (EC) No 215/2008 on Financial Regulation applicable to the 10th EDF as regards the application of the transition period between the 10th EDF and the 11th EDF until the entry into force of the 11th EDF Internal Agreement², and in particular Article 26 of its annex,

Whereas:

- (1) The Council decision of 18 February 2014, extending the validity of Decision 2012/96/EU, has determined that the appropriate measures against the Republic of Zimbabwe in 2002 under Article 96(2)(c) of the ACP-EU Partnership Agreement, shall expire on 1 November 2014, so that the National Indicative Programme (NIP) for Zimbabwe is under consideration, but has not yet been adopted. This individual measure is supporting the implementation of the new Constitution of Zimbabwe, which entered into force in May 2013; the EU has a strong interest for the new Constitution to be implemented swiftly. The services will take actions to ensure that this individual measure is integrated in the NIP accordingly.
- (2) The overall objective of the action is to foster good governance, the rule of law, accountability and transparency and to contribute to the consolidation of democracy in the framework of the new Constitution in Zimbabwe.
- (3) The Action entitled "Support to Institutional Strengthening in the Framework of the New Constitution" aims at increasing the capacity of the Law Development Commission and the Ministry of Justice staff to comply with the process of Legislative Constitutional Alignment; to strengthen the Judicial Service Commission to ensure that the new Constitution is applied in all the courts and observed by all, as well as to increase the independence, competence, integrity and professionalism of court officials to ensure a more effective justice delivery system; it is also aiming at enhancing the oversight and legislative functions of the Zimbabwe Parliament, to ensure that the provisions of the Constitution are upheld and to facilitate the involvement of the public in the legislative business and in the committee's processes; support will be also provided to the Zimbabwe Electoral Commission to enhance its effectiveness in conducting elections in line with regional standards for democratic elections and for continuous engagement with electoral stakeholders and implement other confidence

¹ OJ L 157, 27.5.2014, p. 35.

² OJ L 157, 27.5.2014, p. 52.

enhancing activities. The action will be implemented through direct award of grants and through indirect management with an international organisation.

- (4) This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union³ applicable by virtue of Articles 2(1) and 26 of the annex to Regulation (EU) No 567/2014.
- (5) The Commission should entrust 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 responsible authorising officer has ensured 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. However, The United Nations Development Programme (UNDP) is currently undergoing the ex-ante assessment. In anticipation of the results of this review, the responsible authorising officer deems that, based on a positive preliminary assessment and on the long-standing and problem-free cooperation with it, budget-implementation tasks can be entrusted to this entity.
- (6) It is appropriate to acknowledge that grants may be awarded without a call for proposals by the responsible authorising officer who ensures that the conditions for an exception to a call for proposals according to Article 190 of Commission Delegated Regulation (EU) No 1268/2012, applicable by virtue of Articles 37(1) and 2(1) of the annex to Regulation (EU) No 567/2014 are fulfilled. The reasons for and potential beneficiaries of such award should be identified, where known, in this Decision for reasons of transparency.
- (7) The maximum contribution of the European Union set by this Decision should cover any possible claims for 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 by virtue of Articles 29(1) and 2(1) of the annex to Regulation (EU) No 567/2014⁴.
- (8) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of Delegated Regulation (EU) No 1268/2012 to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the 'responsible authorising officer').
- (9) The measure provided for in this Decision is in accordance with the opinion of the European Development Fund Committee set up by Article 8 of the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multiannual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the OCTs to which Part Four of the EC Treaty applies⁵.

³ OJ L 362, 31.12.2012, p. 1.

⁴ OJ L 362, 31.12.2012, p. 1.

⁵ OJ L 247, 9.9.2006, p. 32.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The individual measure in the field of governance in favour of Zimbabwe to be financed from the European Development Fund Bridging Facility, as set out in the Annex, is approved.

The measure shall include the following action:

- Annex: Support to Institutional Strengthening in the Framework of the New Constitution.

Article 2

Financial contribution

The maximum contribution of the European Union authorised by this Decision for the implementation of this special measure is set at EUR 8 000 000 to be financed the European Development Fund Bridging Facility.

Article 3

Implementation modalities

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

Section 4 of the Annex referred to in the second paragraph of Article 1 sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012.

Grants may be awarded without a call for proposals by the responsible authorising officer according to Article 190 of Delegated Regulation (EU) No 1268/2012. Where known at the moment of the adoption of this Decision, the reasons for this as well as the potential beneficiaries shall be identified in the attached Annex.

The financial contribution referred to in Article 2 shall also cover any possible interests due for late payment.

Article 4

Non-substantial changes

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution referred to in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution 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 and objectives of the actions.

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

Done at Brussels, 28.1.2015

For the Commission
Neven MIMICA
Member of the Commission