

## COMMISSION DECISION

C(2009)9388 of 30/11/2009

**on a special measure (part III) for the ENPI 2009 in favour of West Bank and Gaza Strip to be financed under Article 19 08 01 02 of the general budget of the European Communities**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to European Parliament and Council Regulation (EC) No 1638/2006 of 24 October 2006 laying down the general provisions establishing a European Neighbourhood and Partnership Instrument and in particular Article 13.2 thereof,

Whereas:

- (1) Since 2002 the Commission set priorities for co-operation with West Bank and Gaza Strip on an ad hoc basis and Article 13 of Regulation (EC) n° 1638/2006 provides for the adoption of special measures in the event of unforeseen and duly justified needs or circumstances. Given the difficult situation within the occupied Palestinian territory, no strategy paper or multi-annual indicative programme has been established covering 2009.
- (2) The criteria set out in Regulation (EC) n° 1638/2006 and conditions for the special measure have been fulfilled. West Bank and Gaza Strip continues to be in a crisis situation, further aggravated by the recent conflict in Gaza in December 2008 and January 2009 and by the lack of progress both at the intra-Palestinian and Israeli-Palestinian negotiations.
- (3) The Council of General Affairs and External Relations of 10 December 2007 stated that *"The Paris Donors' conference in December will be an important opportunity for the whole international community to back up its commitment to assist in the economic and financial development of a future viable Palestinian State and to provide the necessary support to the post- Annapolis process. In this context, the EU looks forward to the Palestinian Reform and Development Plan"*.
- (4) The Council of General Affairs and External Relations of 28 January 2008 stated that *"The EU is committed to providing substantial financial support for the Palestinian people, and welcomes the work of the Commission to launch a new funding mechanism PEGASE, which will constitute a key channel for EU and other international assistance"*.

- (5) The present decision constitutes a financing decision within the meaning of Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>1</sup> and Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget of the European Communities<sup>2</sup>.
- (6) The present decision authorises the relevant authorising officer to sign the agreements by which the Commission acknowledges and accepts the contribution from other donors to this special measure pursuant to article 18.1(aa) of the Council Regulation (EC, Euratom) No 1605/2002.
- (7) The present decision covers any possible interest due for late payment on the basis of articles 83 of the Council Regulation (EC, Euratom) No 1605/2002 and 106(5) of Commission Regulation (EC, Euratom) No 2342/2002.
- (8) The Commission is required to define the term “substantial change” in the meaning of Article 90 (4) of Regulation (EC, Euratom) No 2342/2002 to ensure that any substantial change in this decision shall follow the same procedure as the initial decision.
- (9) The special measure provided for in this decision is in accordance with the opinion of the ENPI Committee set up under Article 26 of Regulation (EC) No 1638/2006,

**HAS DECIDED AS FOLLOWS:**

*Article 1*

The special measure for the ENPI in favour of West Bank and Gaza Strip constituted by the action "Support for Economic and Social Development in West Bank and Gaza Strip (€5 million); "Fostering co-operation on Water Management between the Israeli, Palestinian and Jordanian Water Authorities" (€1.5 million) and "Contribution of PEGASE to Recurrent Expenditures of the PA" (€12.1 million), the text of which is set out in the Annex, is approved.

*Article 2*

The maximum contribution of the Community is set at €78 600 000 to be financed within the limits of the available resources of budget Article 19 08 01 02 of the general budget of the European Communities for 2009.

This amount includes €500,000 contribution from Austria to be transferred to the general budget of the European communities as provided for in action "PEGASE Support to Recurrent Expenditure of the PA", subject to the effective transfer of funds from the Austrian

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<sup>1</sup> OJEU L 248 of 16.09.2002 p. 1. Regulation last amended by Regulation (EC, Euratom) No1995/2006 (OJEU L 390, 30.12.2006, p.1) ) and by Council Regulation (EC) N° 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007, p.9).

<sup>2</sup> OJEU L 357 of 31.12.2002, p.1. Regulation last amended by Regulation (CE, Euratom) No 478/2007 (OJEU L 111, 28.04.2007, p.13).

authorities. The authorising officer is authorised to sign agreements accepting these contributions from other donors.

### *Article 3*

Within the global indicative budget of all the specific actions, cumulated changes not exceeding 20% of the maximum contribution of the Community shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the special measure.

The authorising officer by delegation may introduce non substantial changes to the special measure in accordance with the principles of sound financial management.

Done at Brussels,

*For the Commission*  
*Benita FERRERO-WALDNER*  
*Member of the Commission*

## **ANNEXES**

### **Special Measure for the ENPI for West Bank and Gaza Strip for 2009 (part III)**

Annex I: Action Fiche for Support to Delivery of Community Services in East Jerusalem;

Annex II: Action Fiche for Governance and Social Development;

Annex III: Action Fiche for PRDP-related Public Infrastructure Development;

Annex IV: Action fiche for Private Sector Reconstruction in Gaza Strip

Annex V: Action Fiche for Provision of Quality Education Services in UNRWA

Annex VI: Action Fiche for EXACT (Executive Action for Water Resources – Jordan, Israel, West Bank and Gaza Strip)

Annex VII: Action Fiche for PEGASE Direct Financial Support for Palestinian Authority