



Brussels, 16.2.2022
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COMMISSION IMPLEMENTING DECISION

of 16.2.2022

on an exceptional assistance measure regarding Libya

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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) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009², and in particular Article 23(6) thereof,

Whereas:

- (1) Despite major breakthroughs in past months, political consensus in Libya remains hard to reach and the presidential and parliamentary elections, planned for 24th December 2021, have been postponed. It will be important to maintain momentum towards the elections while also taking into account the shifting political reality and security concerns on the ground. To support the political process in moving forward, it is necessary to address some of the remaining challenges the country is facing. Foremost amongst these are the need to reinforce the international community led mediation efforts and independent dialogue initiatives, as well as the improvement of community safety through removal of explosive remnants of war with the aim of fostering economic recovery, rehabilitation of key infrastructure and safe return of internally displaced persons. The present situation makes it necessary to adopt an exceptional assistance measure regarding Libya.
- (2) In order to ensure the implementation of the measure, it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (3) The planned assistance is to comply with the conditions and procedures set out by the restrictive measures³ adopted pursuant to Article 215 TFEU.
- (4) The objective of the measure set out in this Decision is to stabilise Libya through mediation, peacebuilding, and mine action, while also progressively building longer

¹ OJ L 193, 30.7.2018, p. 1.

² OJ L 209, 14.6.2021, p. 1.

³ www.sanctionsmap.eu. Note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy, the OJ prevails.

term capacities in these areas amongst Libyan stakeholders, in order to remedy exceptional and unforeseen situations as referred to in Article 4(4)(a) of Regulation (EU) 2021/947.

- (5) In accordance with points (d), (j), (n), (q) of Annex IV, paragraph 1, second paragraph of Regulation (EU) 2021/947, the activities set out in this Decision will include facilitating international and local mediation efforts with the view to support non-violent conflict resolution, building consensus through holding dialogue on the drivers of conflict, facilitating humanitarian access to conflict areas and actors, as well as conducting Unexploded Ordnance survey and scaling up clearance operations in residential areas, including Tripoli and Sirte airports, and around the coastal road.
- (6) The effectiveness of the Union response to the situation referred to in recital 1 depends on the rapid and flexible implementation of an exceptional assistance measure of limited duration in accordance with Article 23(6) of Regulation (EU) 2021/947.
- (7) The measure provided for in this Decision is complementary to assistance provided under other Union short-term or long-term external assistance instruments. No fully adequate response can be provided under those instruments to the specific needs being addressed. Therefore, an effective response is required to enable early action in accordance with Article 4(4) of Regulation (EU) 2021/947.
- (8) The measure provided for in this Decision is consistent with the Union strategic policy framework for Libya. Synergies and complementarities are expected with other Union interventions, as detailed in point 7 of the Annex.
- (9) The Commission should authorise the eligibility of costs as of 1 January 2022, which is prior to the date of adoption of this Decision, for reasons of extreme urgency in crisis management aid or in situations of imminent or immediate danger to the stability of Libya, including by an armed conflict, where an early engagement of the Union may prevent an escalation.
- (10) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (11) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of the Financial Regulation.
- (12) In order to allow for flexibility in the implementation of the measure, it is appropriate to define changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (13) The European Parliament and the Council have been informed of the exceptional assistance measure to be adopted by this Decision, in accordance with Article 25(3) of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The financing decision for the implementation of the exceptional assistance measure regarding Libya, for 2022, as set out in the Annex, is adopted.

The measure shall include the following action: “Stabilisation through continued mediation and mine action support in Libya” set out in the Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2022 is set at EUR 15 000 000, and shall be financed from the appropriations entered in the budget line 14 02 03 10 of the general budget of the Union.

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

Article 3
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in point 6 of the Annex. Grants may be awarded to the body/bodies selected in accordance with point 6 of the Annex. For reasons of extreme urgency, the eligibility of costs prior to the submission of a grant application and which is prior to the date of adoption of this Decision shall be authorised as of the date set out in the Annex.

Article 4
Duration of the measure

The maximum duration of the exceptional assistance measure adopted under this Decision shall be 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 23(6) of Regulation (EU) 2021/947.

If the implementation of this measure or any of its components is suspended owing to 'force majeure' or circumstances beyond the control of the contracting authority and its implementing partner(s), the period of suspension shall not be taken into account for the calculation of the duration of the implementation of this measure.

Article 5
Flexibility clause

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2 or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution, as well as extensions of the implementation period shall not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046 provided that these changes do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 16.2.2022

For the Commission
Josep BORRELL FONTELLES
High Representative / Vice-President