COMMISSION IMPLEMENTING DECISION

of 1.4.2019

on the financing of the Annual Action Programme 2019 Part 1 for the Pan-African Programme
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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,


Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union’s instruments for financing external action², and in particular Article 2(1) thereof,

Whereas:

(1) In order to ensure the implementation of the Annual Action Programme 2019 Part 1, it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.

(2) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³.

(3) The Commission has adopted the Multiannual Indicative Programme for the Pan-African Programme for the period 2018-2020⁴, which sets out the following priorities: Political dialogue and Pan-African governance; Investing in People – education, science, technology, skills; Continental Economic Integration.

(4) The objectives pursued by the annual action programme to be financed under the Development Cooperation Instrument⁵ are to: (i) support the creation, protection, use and enforcement of Intellectual Property Rights (IPR) across Africa, in line with international and European best practice and in support of the African Continental Free Trade Area (AfCFTA) and the African Union’s Agenda 2063; (ii) contribute to regional integration through the development of resilient continental/inter-regional

² OJ L 77, 15.3.2014, p. 95.
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.
infrastructure; (iii) contribute to establish a strategic dialogue between key stakeholders in Africa and Europe on investment climate reforms.

(5) The action entitled "Intellectual Property Rights (IPRs) Action for Africa" has the objective to support the creation, protection, use and enforcement of Intellectual Property Rights (IPR) across Africa, in line with international and European best practice and in support of the AfCFTA and the African Union’s Agenda 2063.

(6) The action entitled "Contribution to the Africa Investment Platform (AIP) in support of continental economic integration across Africa" has the objective to contribute to regional integration through the development of resilient continental/inter-regional infrastructure by supporting a pipeline of bankable sustainable infrastructure projects, in line with the Pan-African priorities for infrastructure.

(7) The action entitled "Africa-EU Investment Indaba" has the objective to establish a strategic dialogue between key stakeholders in Africa and Europe on investment climate reforms, with the facilitation of the African Development Bank and other European financing institutions, resulting in policy recommendations for priority investment decisions.

(8) Pursuant to Article 4(7) of Regulation (EU) No 236/2014, indirect management is to be used for the implementation of the programme.

(9) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of Regulation (EU, Euratom) 2018/1046.

(10) To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of Regulation (EU, Euratom) 2018/1046 and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.

(11) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.

(12) In order to allow for flexibility in the implementation of the programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.

(13) The measures provided for in this Decision are in accordance with the opinion of the Development Cooperation Instrument Committee, established under Article 19 of Regulation (EU) No 233/2014.

HAS DECIDED AS FOLLOWS:

Article 1
The programme

The financing decision, constituting the annual programme for the implementation of the financing of the Annual Action Programme 2019 Part 1 for the Pan-African Programme, as set out in the Annexes, is adopted.

6 Except for the cases of Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment
The programme shall include the following actions:

– "Intellectual Property Rights (IPRs) Action for Africa" set out in Annex 1;
– "Contribution to the Africa Investment Platform (AIP) in support of continental economic integration across Africa" set out in Annex 2;

**Article 2**

*Union contribution*

The maximum Union contribution for the implementation of the programme for 2019 is set at EUR 101 500 000, and shall be financed for an amount of EUR 71 500 000 from budget line 21 02 09 of the general budget of the Union for 2019 and for an amount of EUR 30 000 000 from budget line 21 02 09 of the general budget of the Union for 2020.

The appropriations 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 general budget of the Union for 2019 and 2020, following the adoption of that budget by the budgetary authority or as provided for in the system of provisional twelfths.

**Article 3**

*Methods of implementation and entrusted entities or persons*

The implementation of the actions carried out by way of indirect management, as set out in the Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5.4 of Annexes 1, 2 and 3.

**Article 4**

*Flexibility clause*

Increases or decreases of up to EUR 10 000 000 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, 1.4.2019

For the Commission
Neven MIMICA
Member of the Commission

CERTIFIED COPY
For the Secretary-General,

Jordi AYET PUIGARNAU
Director of the Registry
EUROPEAN COMMISSION