COMMISSION IMPLEMENTING DECISION

of 24.10.2019

on the financing of the Annual Action Programme in favour of Nepal for 2019
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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 action, and in particular Article 2(1) thereof,

Whereas:

(1) In order to ensure the implementation of the Annual Action Programme in favour of Nepal for 2019, it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2019. 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 TFEU.

(3) The Commission has adopted the Multiannual Indicative Programme (MIP) for Nepal for the period 2014-2020. The mid-term review confirmed its three focal sectors: sustainable rural development, education and strengthening democracy and decentralisation.

(4) The objectives pursued by the Annual Action Programme to be financed under the Development Cooperation Instrument are to support the government of Nepal in the implementation of the federalisation process and to support its multi-sector nutrition plan.

(5) The action entitled ‘Federalism Support in Nepal’ aims to contribute to the creation of a functional, sustainable, inclusive and accountable provincial and local government,

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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.
and to the effectiveness of selected Public Finance Management institutions and related procurement, systems and procedures at the federal and subnational levels.

(6) The action entitled ‘Support to the Multi-Sector Nutrition Plan of the Government of Nepal (second Phase 2018 – 2022)’ aims to contribute to achieving improved maternal, adolescent and child nutrition, by scaling up essential nutrition specific and sensitive interventions and creating an enabling environment for nutrition-related activities.

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

(8) 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.

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.

(9) 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.

(10) In order to allow for flexibility in the implementation of the programmes, 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.

(11) The actions 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 annual financing decision, constituting the annual programme for the implementation of the Annual Action Programme in favour of Nepal for 2019, as set out in the Annexes, is adopted.

The programme shall include the following actions:

(a) Federalism Support in Nepal, set out in Annex I;

(b) Support to the Multi-Sector Nutrition Plan of the Government of Nepal (second Phase 2018 – 2022), set out in Annex II.

Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an ex-ante assessment.
**Article 2**

**Union contribution**

The maximum Union contribution for the implementation of the programme for 2019 is set at EUR 55 700 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union: 21.020200.

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

**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 the Annexes.

**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\(^7\) 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, 24.10.2019

*For the Commission*

*Neven MIMICA*

*Member of the Commission*

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\(^7\) These changes can come from assigned revenue made available after the adoption of the financing decision.