COMMISSION IMPLEMENTING DECISION

of 21.11.2019

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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 6(3)(a) thereof,

Whereas:

(1) In order to ensure the implementation of the Annual Action Programme 2019 Part 2 and Annual Action Programme 2020 Part 1, it is necessary to adopt a multiannual 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 Treaty on the Functioning of the European Union (TFEU).

(3) The Commission has adopted the Multiannual Indicative Programme for the Pan-African Programme for the period 2018-2020, 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 programmes, to be financed under the Development Cooperation Instrument, are to i) support the African Governance Architecture; ii) contribute to reducing illicite financial flows; and iii) strengthen the African Statistical System.

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.
The action entitled ‘African Governance Architecture Support Project’ (AGA-SP) aims at supporting the implementation of AGA platform recommendations, decisions, norms, standards; enhancing coordination and synergy between AGA members and increasing their engagement with civil society organisations, regional organisations, national institutions.

The action entitled ‘Pan-African Statistics Programme II’ aims at improving the production, dissemination and use of reliable and harmonised statistics in Africa.

The action entitled ‘Fighting Illicit Financial Flows in Africa’ aims at improving public institutions’ accountability and effective actions in fighting illicit financial flows and at strengthening the African Union Commission’s facilitating role.

It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.

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

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.

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.

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.

The actions provided for in this Decision are in accordance with the opinion of the Development Cooperation Instrument Committee established under Article 19.

HAS DECIDED AS FOLLOWS:

Article 1

The programme

The financing decision, constituting the multiannual programme for the implementation of the Annual Action Programme 2019 Part 2 and the Annual Action Programme 2020 Part 1 for the Pan-African Programme, as set out in the Annexes, is adopted.

The programme shall include the following actions:


Except for the cases of Article 154(6) of the Financial Regulation, 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 Annual Action Programme 2019 Part 2 and the Annual Action Programme 2020 Part 1 is set at EUR 48 700 000, and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

budget line 21 02 09: EUR 48 700 000 (EUR 33 231 080.06 for 2019 and EUR 15 468 919.94 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 draft general budget of the Union for 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 5.4.2 of Annex 1, 5.4.2 and 5.4.3 of Annex 2, 5.4.1 of Annex 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\(^7\) 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.

Article 5
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in Annex 1. Grants may be awarded to the bodies referred to in Annex 1.

Done at Brussels, 21.11.2019

For the Commission
Neven MIMICA
Member of the Commission

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