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**COMMISSION DECISION**

**of 28.4.2016**

**on the individual measure in favour of the Federal Republic of Nigeria to be financed  
from the 11th European Development Fund**

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### on the individual measure in favour of the Federal Republic of Nigeria to be financed from the 11<sup>th</sup> European Development Fund

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11<sup>th</sup> European Development Fund<sup>1</sup> and in particular Article 9(1) thereof,

Having regard to Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11<sup>th</sup> European Development Fund<sup>2</sup> and in particular Article 26 thereof,

Whereas:

- (1) The Commission has adopted the National Indicative Programme for the Federal Republic of Nigeria<sup>3</sup> for the period 2014-2020, point 3.1 of which provides for the following priorities: to contribute to a reduction in poverty through improving policy and institutional governance to enhance health status, and social cohesion; to increase maternal and child survival rates and to strengthen the resilience of the most vulnerable households, especially in Northern Nigeria.
- (2) The objectives pursued by the measure to be financed under the 11<sup>th</sup> European Development Fund (EDF) Internal Agreement<sup>4</sup> (hereinafter 'Internal Agreement') is to strengthen the Nigerian health system through improved primary healthcare delivery in Northern Nigeria, maintaining the country's polio-free status and building capacity for improved data and financial management of the health sector.
- (3) It is necessary to adopt a financing decision the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012<sup>5</sup> applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323.
- (4) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in this Decision, subject to the conclusion of a delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that these

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<sup>1</sup> OJ L 58, 3.3.2015, p. 1.

<sup>2</sup> OJ L 58, 3.3.2015, p. 17.

<sup>3</sup> Commission Decision on the adoption of the National Indicative Programme between the European Union and Nigeria, C(2014)3611 of 12.06.2014.

<sup>4</sup> Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies (OJ L 210, 6.8.2013, p. 1).

<sup>5</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

entities guarantee a level of protection of the financial interests of the Union equivalent to that required when the Commission manages Union funds. These entities comply with the conditions of points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary.

- (5) It is necessary to allow the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 29(1) of Regulation (EU) 2015/323.
- (6) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012 applicable in accordance with Article 26 of Regulation (EU) 2015/323, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (7) The measure provided for in this Decision is in accordance with the opinion of the EDF Committee set up by Article 8 of the Internal Agreement.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### **Adoption of the measure**

The individual measure in favour of the Federal Republic of Nigeria to be financed from the 11<sup>th</sup> EDF, as set out in the Annex, is approved.

The measure shall include the following action:

- Annex: EU Support to the Health Sector in Nigeria, Phase 1

#### *Article 2*

##### **Financial contribution**

The maximum contribution of the European Union for the implementation of the measure referred to in Article 1 is set at EUR 70 000 000 and shall be financed from the EDF.

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

#### *Article 3*

##### **Implementation modalities**

Budget-implementation tasks under indirect management may be entrusted to the entities identified in the Annex, subject to the conclusion of the relevant agreements.

The elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 26 of Regulation (EU) 2015/323, are set out in the Annex.

*Article 4*

**Non-substantial changes**

Increases or decreases of up to EUR 10 000 000 not exceeding 20% of the contribution set by 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 within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 26 of Regulation (EU) 2015/323, provided that they do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 28.4.2016

*For the Commission*

*Neven MIMICA*

*Member of the Commission*