



Brussels, 13.12.2016
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COMMISSION DECISION

of 13.12.2016

**on the Annual Action Programme 2016 in favour of the Federal Republic of Nigeria to
be financed from the 11th European Development Fund**

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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 11th European Development Fund¹, 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 11th European Development Fund², and in particular Article 26 thereof,

Whereas:

- (1) The Commission has adopted the National Indicative Programme for the Federal Republic of Nigeria³ for the period 2014-2020, which provides for the following priorities: health, nutrition and resilience; sustainable energy and access to electricity; and, rule of law, governance and democracy.
- (2) The objectives pursued by the annual action programme to be financed under the 11th European Development Fund (EDF) Internal Agreement⁴ ("Internal Agreement") are to: (1) reduce trafficking in human beings (THB) and smuggling of migrants (SOM) at national and regional level, and between Nigeria and the European Union (2) enhance good governance in Nigeria by contributing to strengthening of the rule of law and curbing corruption, and (3) contribute to Nigeria's economic and social development through better access to reliable and sustainable energy.
- (3) The action entitled "Action against Trafficking in Persons and Smuggling of Migrants in Nigeria" will focus on five specific outcomes: (1) improved governance of the migration sector in Nigeria, with specific focus on the fight against THB and SOM; (2) enhanced prevention of THB and SOM in key states of origin and of transit; (3) improved protection, return and reintegration of victims of trafficking and of smuggling, particularly from Europe; (4) enhanced identification, investigation and prosecution of traffickers and smugglers; and (5) more effective cooperation at national, regional and international levels in fighting THB and SOM. The action will contribute to the implementation of the Common Agenda on Migration and Mobility (CAMM) between the EU and Nigeria. It will be implemented in indirect management

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 58, 3.3.2015, p. 17.

³ Commission Decision on the adoption of the National Indicative Programme between the European Union and Nigeria, C(2014)3611 of 12.6.2014.

⁴ 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).

with a Member State Agency (Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas - FIIAPP) and in direct management through a Call for Proposals.

- (4) The action entitled "Support to Rule of Law and Anti-Corruption in Nigeria" will focus on four specific outcomes: (1) advance the timely, effective and transparent dispensation of criminal justice; (2) strengthen access to justice of women, children and persons with disabilities at federal and state levels; (3) strengthen the fight against corruption by reinforcing prevention mechanisms and building the capacity of anti-corruption agencies to effectively address corruption in public procurement, the criminal justice system and the extractive sector; and (4) to enhance civil society and public engagement in the fight against corruption and the criminal justice reform process. It will be implemented in indirect management with a Member State Agency (the British Council).
- (5) The action entitled "EU Support to Energy Sector in Nigeria- Phase 1" will focus on two specific outcomes: (1) to enable and foster investments in a domestic market for Renewable Energy and Energy Efficiency and (2) to improve access to electricity for disadvantaged, mostly rural, communities, also in conflict-affected areas. It will be implemented in indirect management with two Member States Agencies (Deutsche Gesellschaft für Internationale Zusammenarbeit - GIZ and Department for International Development/UK - DFID).
- (6) 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 1268/2012⁵, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323.
- (7) It is necessary to adopt a work programme for grants the detailed rules on which are set out in Article 128(1) of Regulation (EU, Euratom) No 966/2012⁶ and Article 188(1) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 37(1) of Regulation (EU) 2015/323. The work programme is set out in Annex 1 (section 5.4.2).
- (8) 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 applicable in accordance with Article 2 and Article 17 of Regulation (EU) 2015/323, the authorising officer responsible needs to ensure that these 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.
- (9) It is necessary to allow for 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 2(1) and Article 29(1) of Regulation (EU) 2015/323.

⁵ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) 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).

⁶ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

- (10) 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.
- (11) The measures provided for in this Decision are 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 programme

The annual action programme 2016 in favour of the Federal Republic of Nigeria to be financed from the 11th European Development Fund, as set out in the Annexes, is approved.

The programme shall include the following actions:

- Annex 1: Action Against Trafficking in Persons and Smuggling of Migrants in Nigeria;
- Annex 2: Support to Rule of Law and Anti-Corruption in Nigeria;
- Annex 3: EU Support to Energy Sector in Nigeria - Phase 1

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the programme referred to in Article 1 is set at EUR 87 000 000 and shall be financed from the 11th European Development Fund.

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

Article 3

Methods of Implementation

Budget-implementation tasks under indirect management may be entrusted to the entities identified in Annexes 1, 2 and 3, 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 Annexes.

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 use of contingencies shall be taken into account in the ceiling set by this Article.

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

Done at Brussels, 13.12.2016

For the Commission
Neven MIMICA
Member of the Commission