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**COMMISSION DECISION**

**of 12.10.2016**

**on the individual measure in favour of the Federal Republic of Nigeria to be financed  
from the 11<sup>th</sup> 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 3.2 of which provides for the following priorities: to contribute to improving access to the sustainable supply of electricity, particularly for the poorest and in the least developed states, especially in Northern Nigeria.
- (2) The objectives pursued by the measure to be financed under the 11th European Development Fund (EDF) Internal Agreement<sup>4</sup> ('Internal Agreement') are to contribute to Nigeria's economic and social development through access to sustainable energy, notably by improving access to electricity from renewable sources and reducing the environmental impact of the Nigerian energy sector. The implementation of the action will take the form of a contribution to African Investment Facility (AFIF).
- (3) The Commission has created the "Africa Investment Facility"<sup>5</sup> with the aim of contributing to poverty reduction by promoting investments in particular in infrastructure in energy, including in rural areas, transport, environment, water and sanitation, information and communication technology, among others. These will support social and economic development in African countries, including through the mobilisation of private sector resources.
- (4) The action entitled "Contribution to the African Investment Facility (AFIF) in support of the Energy Sector in Nigeria" is designed to contribute to Nigeria's economic and

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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> Decision 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> Decision C(2015) 5210 of 29.7.2015

social development through access to sustainable energy, notably by improving access to electricity from renewable sources and reducing the environmental impact of the Nigerian energy sector. The implementation of the action will take the form of a contribution to African Investment Facility (AFIF).)

- (5) 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>6</sup> applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323. The specific actions will be adopted through complementary financing decisions under the AFIF. The implementation modalities for each specific action will also be defined in the framework of these complementary decisions.
- (6) 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.
- (7) 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.
- (8) 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> European Development Fund, as set out in the Annex, is approved.

The measure shall include the following action:

- Annex: Contribution to the African Investment Facility (AfIF) in support of the Energy Sector in Nigeria;

#### *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 33 000 000 and shall be financed from the 11<sup>th</sup> European Development Fund.

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

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<sup>6</sup> 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).

### *Article 3*

#### **Implementation modalities**

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, 12.10.2016

*For the Commission*

*Neven MIMICA*

*Member of the Commission*