



Brussels, 31.10.2016
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COMMISSION DECISION

of 31.10.2016

**on the Annual Action Programme 2016 (part 2) in favour of Zimbabwe 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 (NIP) for Zimbabwe³ for the period 2014-2020, which provides the following priorities: to support rule of law through judicial reforms and increased access to justice and improved policy framework to enable sustainable agricultural growth and natural resources management.
- (2) The objectives pursued by the Annual Action Programme (part 2) to be financed under the 11th European Development Fund (EDF) Internal Agreement⁴ ("Internal Agreement") are: to support the rule of law through justice sector reforms and increased access to justice for all; and to improve the livelihoods of rural communities through sustainable and climate resilient management of natural resources.
- (3) The action entitled "Support to the Rule of Law and Access to Justice for All" has as specific objectives to increase the independence, competence, integrity and professionalism of the judiciary, to enhance efficiency, transparency, integrity and accountability in the justice delivery systems and to enhance the capacity of all people, especially women and vulnerable groups, to exercise their rights and access to justice and it will be implemented through projects in direct management – grants – call for proposals, indirect management with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and indirect management with Government of Zimbabwe.
- (4) The action entitled "Natural Resources Management" has as specific objectives to strengthen the governance framework and policy dialogue on natural resources management, to improve capacity of communities to develop sustainable natural

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 Zimbabwe for 2014-2020 C(2015)346 of 30.1.2015.

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 OCTs to which Part Four of the Treaty on the Functioning of the European Union applies (OJ L 210, 6.8.2013, p. 1).

resources management practices, including better environmental governance and soil protection and to enhance applied research and targeted participatory studies on natural resources management and it will be implemented through projects in direct management: grants – call for proposals and indirect management with the Government of Zimbabwe.

- (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 1268/2012⁵ applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323.
- (6) 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 966/2012 and in 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 5.4.1) and Annex 2 (sections 5.4.1 and 5.4.2.).
- (7) 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(1) 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.
- (8) The Commission should entrust budget-implementation tasks under indirect management to the Government of Zimbabwe, subject to the conclusion of a financing agreement. In accordance with Article 60(1)(c) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 2(1) and Article 17 of Regulation (EU) 2015/323, the authorising officer responsible needs to ensure that measures are taken to supervise and support the implementation of the entrusted tasks. A description of these measures and the entrusted tasks are laid down in the Annexes to this Decision.
- (9) The authorising officer responsible should be able to award grants without a call for proposals provided that the conditions for an exception to a call for proposals in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 37(1) of Regulation (EU) 2015/323, are fulfilled.
- (10) 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.
- (11) 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.

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).

- (12) The measures provided for in this Decision are in accordance with the opinion of the European Development Fund Committee set up by Article 8 of the Internal Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The Commission Decision on the Annual Action Programme 2016 (part 2) in favour of Zimbabwe 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: Support to the Rule of Law and Access to Justice for All;
- Annex 2: Natural Resources Management.

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 24 000 000 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

Implementation modalities

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

Grants may be awarded without a call for proposals by the authorising officer responsible in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 37(1) of Regulation (EU) 2015/323.

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, 31.10.2016

For the Commission
Neven MIMICA
Member of the Commission