



Brussels, 29.11.2018
C(2018) 8102 final

COMMISSION DECISION

of 29.11.2018

**on the financing of the annual action programme 2018 in favour of the Republic of
Ghana**

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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) In order to ensure the implementation of the Annual Action Programme 2018 in favour of the Republic of Ghana, it is necessary to adopt a 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 TFEU³.
- (3) The Commission has adopted the National Indicative Programme for Ghana for the period 2014-2020⁴, which sets out the following priorities: Governance: public sector management and accountability, Productive investment for agriculture in the Savannah Ecological Zones, Employment and Social Protection.
- (4) The objectives pursued by the annual action programme to be financed under the 11th European Development Fund (EDF) Internal Agreement⁵ ("Internal Agreement") are: to improve access to clean, reliable and affordable energy; to strengthen public financial governance, fight against corruption, and support an enhanced investment climate, notably aiming at improving framework conditions for private investment, both domestic and foreign, in order to create more employment and decent work opportunities and boost domestic revenue mobilisation; and to provide Technical Assistance to national authorities in identifying and preparing viable projects.

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 58, 3.3.2015, p. 17.

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.

⁴ Commission Decision on the adoption of the National Indicative Programme between the European Union and Ghana C(2014)3660 of 12/06/2014.

⁵ 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.

- (5) The action entitled "Contribution to the African Investment Platform (AIP) in support of boosting renewable energy investment in Ghana" will seek to mobilise investments and improve access to finance, ultimately enhancing renewable energy investment in rural areas.
- (6) The action entitled "Budget Support Programme to Promote Investment and Job Creation" will seek to support an enhanced investment climate. It aims at improving framework conditions for private investment, both domestic and foreign, comprising of a macroeconomic, a business, and a financing framework.
- (7) The action entitled "Ghana Technical Cooperation Facility V" aims to assist national authorities and the private sector in identifying and preparing viable projects.
- (8) Pursuant to Article 17 of Regulation (EU) 2015/323, indirect management is to be used for the implementation of the programme.
- (9) 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, applicable in accordance with Article 2(1) and Article 17 of Regulation (EU) 2015/323.
- (10) To this end, the Commission, in accordance with Article 154(6) of Regulation (EU, Euratom) 2018/1046, retains the financial management responsibilities laid down in point 5.4.2 of Annex 3.
- (11) 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 applicable in accordance with Article 29(1) of Regulation (EU) 2015/323.
- (12) 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.
- (13) The measure provided for in this Decision is in accordance with the opinion of the EDF Committee established under Article 8 of the Internal Agreement,

HAS DECIDED AS FOLLOWS:

Article 1
The programme

The financing decision, constituting the implementation of the annual action programme 2018 in favour of the Republic of Ghana, as set out in the Annexes, is adopted.

The programme shall include the following actions:

- (a) Annex 1: Boosting Renewable Energy Investment in Ghana
- (b) Annex 2: Budget Support Programme to promote investment and job creation (SDG-Contract)
- (c) Annex 3: Ghana Technical Cooperation Facility V

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme for is set at EUR 53 400 000 and shall be financed from the 11th European Development Fund.

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

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 Annex, 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 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 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, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, provided that these changes 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 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.

Done at Brussels, 29.11.2018

For the Commission
Neven Mimica
Member of the Commission