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COMMISSION IMPLEMENTING DECISION

of 3.11.2022

**on the financing of the individual measures in favour of the Republic of the Sudan 2022
– Part 1**

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009², and in particular Article 23(3) thereof,

Whereas:

- (1) In order to ensure the implementation of the individual measures in favour of the Republic of the Sudan 2022, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2022. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') 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 individual measures in favour of the Republic of the Sudan have the primary objective to support the people of the Republic of the Sudan. Promotion of Human Rights, inclusion of youth and women in peace and democratisation processes as well as delivery of education services are the main axes of this first set of individual measures.
- (4) Pursuant to Article 23(3) of Regulation (EU) 2021/947 the use of individual measures without a programming document is in this case justified to keep the current engagement vis-à-vis the Sudanese people and civil society to maintain the democratic process. The Multi-annual Indicative Programme (MIP) for Sudan is on hold following political developments in the country in October 2021. Sudan faces a critical moment where support to issues linked to human rights and human development is

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 209, 14.6.2021, p.1.

³ <https://www.sanctionsmap.eu/#/main>. 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.

paramount to ensure that the most vulnerable people have access to basic services and protection. In addition, the EU wishes to strengthen the work on civic education for the youth as they play a key role in the country's transition towards a civilian-led government.

- (5) The action 1 entitled 'Advancing democratic transformation and national cohesion in Sudan in the full respect of human rights' aims to advance democratic transformation and strengthen national cohesion in the Republic of the Sudan, in the full respect of human rights by promoting the protection of civilians, meaningful participation of women and youth in the democratisation process, as well as other civil society members, fostering respect for the rights to freedom of assembly and expression, protecting human rights defenders, and ensuring access to justice as well as gender equality and human rights in detention.
- (6) The action 2 entitled 'Inclusive quality education for the most vulnerable children in Sudan' aims to support children, especially the most vulnerable and marginalised to access better, safer, and more inclusive education by creating a safer, protective and enabling learning environment for vulnerable girls and boys, including children with disabilities, refugees and Internally Displaced Persons (IDPs) and other children out of school.
- (7) The measure 3 entitled 'Sudan Support Measures for Cooperation Facility' aims to contribute to an efficient and effective use of the EU funding and position the EU as the preferred partner for the country by providing complementary support to on-going actions, as well as to support the identification and formulation of new actions of interest for EU engagement in the Republic of the Sudan, and support joint cooperation and implementation with the EU Member States, notably under the Team Europe Initiatives for Sudan. It also aims to increase awareness, understanding and support to the EU values and its partnership with the country.
- (8) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (9) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (10) 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 the Financial Regulation.
- (11) To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation⁴ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (12) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of the Financial Regulation.
- (13) In order to allow for flexibility in the implementation of the measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.

⁴ Except for the cases referred to in Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

- (1) The measure provided for in this Decision is in accordance with the opinion of the Committee established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The annual financing decision, constituting the annual measure for the implementation of the individual measures in favour of the Republic of the Sudan 2022 – Part 1, as set out in the Annexes, is adopted.

The measure shall include the following actions:

- (a) Advancing democratic transformation and national cohesion in Sudan in the full respect of human rights set out in Annex 1;
- (b) Inclusive quality education for the most vulnerable children in Sudan set out in Annex 2;
- (c) Sudan Support Measures for Cooperation Facility set out in Annex 3.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2022 is set at EUR 48 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- budget line BGUE-B2022-14.020121-C1-INTPA

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 Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.4.2 of Annexes 1 and 2.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 000 000 and not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes⁵ 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 the Financial Regulation (provided that these changes do not significantly affect the nature and objectives of the actions).

⁵ These changes can come from assigned revenue made available after the adoption of the financing decision.

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.

Article 5

Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annexes. Grants may be awarded to the bodies referred to in the Annexes selected in accordance with point 4.4.1 of Annexes 1 and 2.

Done at Brussels, 3.11.2022

For the Commission

Jutta URPILAINEN

Member of the Commission