



Brussels, 23.10.2023  
C(2023) 7318 final

**COMMISSION IMPLEMENTING DECISION**

**of 23.10.2023**

**on the financing of the multiannual action plan in favour of the Republic of Kenya for  
2023-2024**

# COMMISSION IMPLEMENTING DECISION

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**on the financing of the multiannual action plan in favour of the Republic of Kenya for 2023-2024**

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 966/2012<sup>1</sup>, 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 480/2009<sup>2</sup>, and in particular Article 23(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the multiannual action plan in favour of the Republic of Kenya for 2023-2024, it is necessary to adopt a multiannual financing decision, which constitutes the multiannual work programme, for 2023-2024. 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 TFEU<sup>3</sup>.
- (3) The actions provided for in this Decision contribute to climate mainstreaming in line with the European Green Deal and the inter-institutional agreement.
- (4) The Commission has adopted the National Multiannual Indicative Programme for Kenya<sup>4</sup> for the period 2021-2027 which sets out the following priorities: Green Transition, Human Development and Digitalisation, Governance.
- (5) The objectives pursued by the multiannual action plan to be financed under the Regulation (EU) 2021/947, geographic programme 'Sub-Saharan Africa', are to promote the sustainable development of Kenya by contributing to the country's green

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<sup>1</sup> OJ L 193, 30.7.2018, p.1.

<sup>2</sup> OJ L 209, 14.6.2021, p.1.

<sup>3</sup> [www.sanctionsmap.eu](http://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.

<sup>4</sup> Decision C(2021) 9088 Final, dated 14/12/2021, adopting a Multiannual Indicative Programme for the Republic of Kenya for the period 2021-2027

transition, its governance systems; security and cybersecurity; and to promote gender equality and women's rights; while strengthening the EU's strategic dialogue and communications.

- (6) The action entitled 'Green Deal #TeamEuropeKenya - part II' aims to support Kenya to advance towards climate neutrality, conservation of biodiversity, reduced pollution, resilience, and sustainable economic growth, in support of the Team Europe Initiative on the Green Deal in Kenya.
- (7) The action entitled 'Strengthening Kenya's Devolution (SKeD)' has the overall objective to create more accountable, transparent and efficient public institutions that provide improved services to citizens.
- (8) The action entitled 'Strengthening Kenya's security and cybersecurity' has the overall objective to reduce the number and intensity of incidents of violent extremism and cybersecurity attacks in Kenya.
- (9) The action entitled 'Stop Female Genital Mutilation Now - Komesha FGM Sasa!' has the overall objective to support Kenya's efforts to effectively eradicate female genital mutilation.
- (10) The measure entitled 'Cooperation and Partnership Facility' is a Support Measure with the overall objective to position the EU as a partner of reference in Kenya, strengthening the EU-Kenya partnership and the EU's geopolitical position in line with Global Gateway and Team Europe Initiatives on the Green Deal and Human-Centered Digitalisation.
- (11) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (12) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (13) 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.

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 Regulation<sup>5</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (14) 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.
- (15) In order to allow for flexibility in the implementation of the action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (16) The action plan provided for in this Decision is in accordance with the opinion of the Committee established under Article 45 of Regulation (EU) 2021/947,

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<sup>5</sup> Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an ex-ante assessment.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The action plan*

The multiannual financing decision, constituting the multiannual action plan for the implementation of the multiannual action plan in favour of the Republic of Kenya for 2023-2024, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) Green Deal #TeamEuropeKenya - part II set out in Annex 1;
- (b) Strengthening Kenya's Devolution (SKeD) set out in Annex 2;
- (c) Strengthening Kenya's security and cybersecurity set out in Annex 3;
- (d) Stop Female Genital Mutilation Now - Komesha FGM Sasa! set out in Annex 4;
- (e) Cooperation and Partnership Facility set out in Annex 5.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the multiannual action plan for 2023-2024 is set at EUR 72 000 000, and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- Budget line BGUE-B2023-14.020121-C1-INTPA: 20 000 000
- Budget line BGUE-B2024-14.020121-C1-INTPA: 52 000 000

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

The implementation of this Decision is subject to the availability of the appropriations provided for in the general budget of the Union for 2024 following the adoption of that budget by the budget authority.

*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 4.3.2 of Annex 1, 4.3.3 and 4.3.4 of Annex 2 and point 4.3.2 and 4.3.3 of Annex 3 and 4.3.1 of Annex 4.

*Article 4*  
*Flexibility clause*

Increases or decreases of up to EUR 10 000 000 and not exceeding 20% of the maximum Union contribution set in the first paragraph of Article 2, or cumulated changes<sup>6</sup> 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

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<sup>6</sup> These changes can come from assigned revenue made available after the adoption of the financing decision.

110(5) of the Financial Regulation provided that these changes do not significantly affect the nature and objectives of the actions.

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 Annex 2. Grants may be awarded to the body selected in accordance with point 4.3.1 of the Annex 2.

Done at Brussels, 23.10.2023

*For the Commission*

*Jutta URPILAINEN*

*Member of the Commission*