



Brussels, 29.6.2023
C(2023) 4529 final

COMMISSION IMPLEMENTING DECISION

of 29.6.2023

**on the financing of the annual action plan in favour of the Federal Republic of Nigeria
for 2023 - Part 2**

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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(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the 2023 Annual Action Plan in favour of the Federal Republic of Nigeria, it is necessary to adopt an annual financing decision, which constitutes the second part of the annual work programme, for 2023. 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 actions provided for in this Decision contribute to Nigeria's efforts in attaining the following Sustainable Development Goals ("SDG"): SDG 1 (end poverty), SDG 3 (good health and wellbeing), SDG 4 (Inclusive and Equitable Quality Education and Lifelong Learning for all), SDG 7(Affordable and clean energy"), SDG8 Decent jobs and Economic growth, and SDG 10 (reduced inequalities).
- (4) The Commission has adopted the National Multiannual Indicative Programme⁴ for the period 2021-2027⁵, which sets out the following priorities: "Green and Digital Economy", "Governance, Peace and Migration" and "Human Development".

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 209, 14.6.2021, p.1.

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 Decision C(2021)9273.

⁵ Commission Implementing Decision adopting a Multiannual Indicative Programme for the Federal Republic of Nigeria for the period 2021-2027, C(2021)9273 final of 15.12.2021.

- (5) The objectives pursued by the annual action plan to be financed under the Regulation (EU) 2021/947 geographic programme Sub-Saharan Africa are to contribute to supporting climate-smart agriculture, supporting access to clean energy, circular economy, methane gas emission reduction, strengthening access to reproductive and adolescent health, supporting sustainable social protection programmes and youth empowerment through education.
- (6) The action entitled ‘Support to Climate-Smart Agriculture for Development (Agri-CADE) – phase 2’ will contribute to sustainable and climate-resilient socio-economic development in Nigeria.
- (7) The action entitled ‘EU Nigeria Cooperation Programme for Sustainable Energy Sector in Nigeria Phase 1 (NCPProSES)’ aims to expand access to clean, efficient and reliable energy while mitigating environmental pollution and greenhouse gasses.
- (8) The action entitled ‘Strengthening Access to Reproductive and Adolescent Health (SARAH) in Nigeria’ aims to enable relevant policies and institutions to improve access and utilisation of integrated sexual and reproductive health services through a primary healthcare approach based on data and evidence for decision making.
- (9) The action entitled ‘Supporting Sustainable and Innovative Social Protection Programmes (SUSI)’ is aimed at strengthening the social protection system at the national level and in selected states, as well as support the design of social safety net programme in Northern Nigeria. The action supports digital integrated system approach for social protection to inform policy and decision-making as well as an adaptable social safety net programme for poor vulnerable households.
- (10) The action entitled ‘Education and Youth Empowerment in Nigeria (2nd Phase)’ aims at building individual teacher capacities by developing an expanded teacher education programme focused on strengthening teacher resilience for challenging job demands in fragile contexts. Both pre-service- and in-service training for teachers will be organised in the framework of the project.
- (11) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the actions.
- (12) 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 Regulation⁶ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

- (13) 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.
- (14) 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.

⁶ 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.

- (15) 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,

HAS DECIDED AS FOLLOWS:

Article 1
The action plan

The annual financing decision, constituting the second part of the annual action plan for the implementation of the 2023 Annual Action Plan in favour of the Federal Republic of Nigeria, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) Support to Climate-Smart Agriculture for Development (Agri-CADE) – Phase 2 set out in Annex 1;
- (b) EU Nigeria Cooperation Programme for Sustainable Energy Sector in Nigeria – Phase 1 (NCProSES) set out in Annex 2;
- (c) Strengthening Access to Reproductive and Adolescent Health (SARAH) in Nigeria set out in Annex 3;
- (d) Supporting Sustainable and Innovative Social Protection Programmes (SUSI) – set out in Annex 4;
- (e) Education and Youth Empowerment in Nigeria – Phase 2: Expand, Integrate and Strengthen Systems (EISS) to Build Teachers Capacity and resilience – set out in Annex 5.

Article 2
Union contribution

The maximum Union contribution for the implementation of the second part of the action plan for 2023 is set at EUR 162 400 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union :

- (a) budget line 14.020120 – West Africa;

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 the Annex 1, 2, 3, 4 and in point 4.4.3 of the Annex 1, 2, 4 and in point 4.4.1 in Annex 5.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes⁷ 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).

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
Procurement

Launching a call for tender under a suspensive clause before the adoption of this Decision shall be authorised as of the date set out in point 4.4.1 of the Annex 2.

Done at Brussels, 29.6.2023

For the Commission
Jutta URPILAINEN
Member of the Commission

⁷ These changes can come from assigned revenue made available after the adoption of the financing decision.