



Brussels, 9.11.2023
C(2023) 7721 final

COMMISSION IMPLEMENTING DECISION

of 9.11.2023

on the financing of the annual action plan in favour of Guatemala for 2023

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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 annual action plan in favour of Guatemala for 2023, it is necessary to adopt an annual financing decision, which constitutes 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 action provided for in this Decision should contribute to climate and biodiversity mainstreaming in line with Commission Communication 'The European Green Deal'⁴ and in the Inter-institutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources⁵.
- (4) The Commission has adopted the National Multiannual Indicative Programme⁶ for the period 2021-2027⁷, which sets out the following priorities: 1) Fostering Green

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 COM(2019)640, 11.12.2019.

⁵ OJ L 433I, 22.12.2020, p. 28.

⁶ C(2021)9072, 14.12.2021.

Transition, 2) Investing in the Future: Creating decent jobs through innovation and digitalisation, 3) Stronger institutions for stronger social cohesion among regions and generations.

- (5) The objectives pursued by the annual action plan to be financed under the Regulation (EU) 2021/947 geographic programme ‘Americas and the Caribbean’ are to support inclusive economic development in Guatemala and contribute to creating decent jobs through better access to finance, digitalisation, innovation and new economic models based on circularity and greening of key value chains.
- (6) The action entitled ‘Supporting Inclusive Economic Development in Guatemala’ aims at supporting inclusive and sustainable economic development in Guatemala and contributes to creating decent jobs. It will support to enhance the readiness of Guatemalan key value chains’ compliance with European Union sustainable trade regulations in the framework of the European Green Deal, the EU Global Gateway⁸ and the EU-CA Association Agreement⁹, which will guarantee continued access to EU markets. The action seeks to improve the digitalisation of services provided to Micro, Small and Medium Enterprises (MSMEs) and cooperatives by strengthening Guatemalan institutional capacities and digitalisation of key public institutions’ services to facilitate a more conducive investment and business environment. It contributes to improving the competitiveness of MSMEs and cooperatives through better access to finance, digitalisation, innovation and new economic models based on circularity and greening of key value chains.
- (7) The Commission should acknowledge and accept contributions from other donors in accordance with Article 21(2) of the Financial Regulation, subject to the conclusion of the relevant agreement. Where such contributions are not denominated in euro, a reasonable estimate of conversion should be made.
- (8) The objective and design of the action fulfils the criteria for Official Development Assistance established by the OECD/DAC, as per the requirements of Article 3(3) of Regulation (EU) 2021/947, contributing to the sustainable development of partner countries and the implementation of the 2030 agenda by Guatemala.
- (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. 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 Regulation¹⁰ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (11) 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.

⁷ Commission Implementing Decision adopting a multiannual indicative programme for Guatemala for the period 2021-2027, C(2021) 9072 final of 14.12.2021.

⁸ The Global Gateway, JOIN(2021)30(final), 1.12.2021

⁹ Document 22012A1215(01), 23.6.2022

¹⁰ 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.

- (12) 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.
- (13) 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 annual action plan for the implementation of the annual action plan in favour of Guatemala for 2023, as set out in the Annex, is adopted.

The action plan shall include the following action: Supporting Inclusive Economic Development in Guatemala set out in the Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2023 is set at EUR 34 410 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- (a) budget line 14 02 01 40: EUR 34 410 000.

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 4.3.1 of the Annex.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 million and not exceeding 20% of the maximum Union contribution set in the first paragraph of Article 2, or cumulated changes¹¹ 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, where these changes do not significantly affect the nature and objectives of the actions.

¹¹ 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.

Done at Brussels, 9.11.2023

For the Commission
Jutta URPILAINEN
Member of the Commission