



Brussels, 15.12.2023
C(2023) 9078 final

COMMISSION IMPLEMENTING DECISION

of 15.12.2023

**on the financing of the annual action plan in favour of the Republic of South Africa 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 the Annual Action Plan in favour of the Republic of South Africa 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 contributes to climate mainstreaming in line with the European Green Deal⁴.
- (4) The Commission has adopted the Multiannual Indicative Programme for the Republic of South Africa for the period 2021-2027⁵, which sets out the following priorities of Sustainable, resilient, transformative and inclusive growth; reducing inequalities and partnerships.
- (5) The objectives pursued by the Annual Action Plan in favour of the Republic of South Africa to be financed under the Regulation (EU) 2021/947 geographic programme

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 final of 11 December 2019.

⁵ Commission Implementing Decision C(2021)9112 final of 14.12.2021, adopting a multiannual indicative programme for the Republic of South Africa for the period 2021-2027.

‘Sub-Saharan Africa’ are to assist the Government of South Africa in eradicating poverty, promoting inclusive and sustainable growth and consolidating and improving economic governance.

- (6) The action entitled “Support to South Africa’s Just Energy Transition” aims to contribute to South Africa’s efforts to achieve a well-managed and sustainable just energy transition that will drive job creation and skills development as well as sustainable economic growth notably through the support of green economy value chains, social justice and poverty alleviation.
- (7) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (8) 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.

- (9) 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. 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.
- (10) 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 the Republic of South Africa for 2023, as set out in the Annex, is adopted.

The action plan shall include the following action:

‘Support to South Africa’s Just Energy Transition’, set out in the Annex.

Article 2 *Union contribution*

The maximum Union contribution for the implementation of the programme for 2023 is set at EUR 63 000 000, and shall be financed from the appropriations entered in the following budget line of the general budget of the Union:

– 14.020122.

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.

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 4.4.2, 4.4.3. and 4.4.4. of the Annex.

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 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.

Done at Brussels, 15.12.2023

For the Commission
Margaritis SCHINAS
Vice-President

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