



Brussels, 22.6.2016
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COMMISSION DECISION

of 22.6.2016

**on the individual measure in favour of the Republic of Malawi to be financed from the
11th European Development Fund**

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THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund¹, and in particular Article 9(1) thereof,

Having regard to Council Regulation (EU) No 323/2015 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund², and in particular Article 26 thereof,

Whereas:

- (1) The Commission has adopted the 11th European Development Fund National Indicative Programme (2014 – 2020) for co-operation between the Republic of Malawi and the European Union³, point 1.2. and 3 of which provide for the following priorities: (i) Governance, (ii) Sustainable Agriculture, and (iii) Secondary Education and Vocational Training.
- (2) The objective pursued by the measure to be financed under the 11th European Development Fund (EDF) Internal Agreement⁴ ('Internal Agreement') is to contribute to dignified life through accountable Government, informed democratic choice, and humane and effective delivery of justice.
- (3) The action entitled "Chilungamo Programme" will in particular aim at achieving the following two objectives: i) To strengthen democratic governance and enhance the ability of citizens, accountability institutions, and civil society to demand transparency and hold duty-bearers to account; ii) To increase access to justice for all, especially women and the poor. The action will be implemented by means of the following modalities: direct management (direct award of grants), indirect management with the Republic of Malawi (procurement of technical assistance services and Programme Estimates) and indirect management with the United Nations Development Programme (UNDP) and the British Council.

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 58, 3.3.2015, p. 17.

³ C(2014)3607

⁴ Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies (OJ L 210, 6.8.2013, p. 1).

- (4) It is necessary to adopt a financing decision, the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012⁵ applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323.
- (5) It is necessary to adopt a work programme for grants, the detailed rules on which are set out in Article 128(1) of Regulation (EU, Euratom) No 966/2012 and in Article 188(1) of Delegated Regulation (EU) No 1268/2012 applicable in accordance with Article 37(1) of Regulation (EU) 2015/323. The work programme is set out by the Annex (section 5.3.1).
- (6) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in this Decision, subject to the conclusion of a delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 2(1) and Article 17 of Regulation (EU) 2015/323, the authorising officer responsible needs to ensure that these entities guarantees a level of protection of the financial interests of the Union equivalent to that required when the Commission manages Union funds. These entities complies with the conditions of points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary.
- (7) The Commission should entrust budget-implementation tasks under indirect management to the Government of the Republic of Malawi, subject to the conclusion of a financing agreement. In accordance with Article 60(1)(c) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 2(1) and Article 17 of Regulation (EU) 2015/323, the authorising officer responsible needs to ensure that measures are taken to supervise and support the implementation of the entrusted tasks. A description of these measures and the entrusted tasks are laid down in the Annex to this Decision.
- (8) The authorising officer responsible should be able to award grants without a call for proposals provided that the conditions for an exception to a call for proposals in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 37(1) of Regulation (EU) 2015/323], are fulfilled..
- (9) It is necessary to allow the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012, in accordance with Article 29(1) of Regulation (EU) 2015/323.
- (10) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 26 of Regulation (EU) 2015/323, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (11) The measure provided for in this Decision is in accordance with the opinion of the EDF Committee set up by Article 8 of the Internal Agreement.

⁵ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The individual measure in favour of the Republic of Malawi to be financed from the 11th European Development Fund, as set out in the Annex, is approved.

The measure shall include the following action:

- Annex : Chilungamo programme

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the measure referred to in Article 1 is set at EUR 48 000 000 and shall be financed from the 11th EDF.

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

Article 3

Implementation modalities

Budget-implementation tasks under indirect management may be entrusted to the entities identified in the attached Annex, subject to the conclusion of the relevant agreements.

The elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012 applicable in accordance with Article 26 of Regulation (EU) 2015/323 are set out in the Annex.

Grants may be awarded without a call for proposals by the authorising officer responsible in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 37(1) of Regulation (EU) 2015/323.

Article 4

Non-substantial changes

Increases or decreases of up to EUR 10 000 000 not exceeding 20% of the contribution set by the first paragraph of Article 2, or cumulated changes 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 within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, provided that they do not significantly affect the nature and objectives of the actions. The use of contingencies shall be taken into account in the ceiling set by this Article.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 22.6.2016

For the Commission
Neven MIMICA
Member of the Commission