



Brussels, 3.8.2015
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COMMISSION DECISION

of 3.8.2015

**on the Annual Action Programme 2015 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) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund, and in particular Article 9 thereof,

Having regard to Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund, 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 Union¹, 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 objectives pursued by the Annual Action Programme to be financed under the 11th EDF² are: i) to contribute to the Government of Malawi's objective of poverty reduction through sustainable agricultural development through improved access to markets and social services by the rural population; and ii) to contribute to the strengthening of Malawi's education sector and its capacity to satisfy the economy's need for educated youth through expansion and improvement of equitable access to inclusive quality education.
- (3) Action entitled "Skills and Technical Education Program (STEP)" aims at empowering the vocational education and training sector and its capacity to satisfy the economy's need for skilled professionals through expansion and improvement of equitable and gender-balanced vocational education and training. It will be implemented through direct management for grants and service contracts and indirect management with UNESCO and with the Government of Malawi for works, services and supply contracts.
- (4) Action entitled "Improving Secondary Education in Malawi (ISEM)" aims at promoting equitable access to secondary education, improving the quality and relevance of secondary education and strengthening the governance and management capacity of secondary education institutions including at division, district and school

¹ C(2014)3607

² 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 OCTs to which Part Four of the EC Treaty applies, OJ L 210, 6.8.2013;

level. It will be implemented through direct management for grants and service contracts and through indirect management with the Government of Malawi for works, services and supply contracts as well as Programme Estimates.

- (5) Action entitled “Malawi Rural Roads Improvement Programme (RRIMP)” aims at improving access to economic and social resources by the rural population, in particular smallholder farmers, facilitated by improved, rehabilitated and sustainably maintained rural roads. It will be implemented through indirect management with the World Bank and with the Government of Malawi.
- (6) 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 1268/2012³ applicable by virtue of Article 26 of Regulation (EU) 2015/323.
- (7) 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. The work programme is constituted by the Annexes 1 and 2 (section 5.4.1).
- (8) 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, the authorising officer responsible needs to ensure that these entities guarantee a level of protection of the financial interests of the Union equivalent to that required when the Commission manages Union funds. UNESCO and the World bank are currently undergoing the assessment under Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the authorising officer responsible deems that, based on the entities’ positive assessment under Council Regulation (EC, Euratom) No 1605/2002⁴ and on the long-standing and problem-free cooperation with them, budget-implementation tasks can be entrusted to these entities.
- (9) The Commission should entrust budget-implementation tasks under indirect management to the partner country specified in this Decision, subject to the conclusion of a financing agreement. In accordance with Article 60(1)(c) of Regulation (EU, Euratom) No 966/2012 applicable by virtue of Articles 17 and 2(1) 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 Annexes to this Decision.
- (10) 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, applicable by virtue of Article 29(1) of Regulation (EU) 2015/323.
- (11) The measures provided for in this Decision are in accordance with the opinion of the European Development Fund Committee set up by Article 8 of the 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

³ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation 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).

⁴ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p.1).

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 OCTs to which Part Four of the Treaty on the Functioning of the European Union applies⁵,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The Annual Action Programme 2015 in favour of the Republic of Malawi to be financed from the 11th European Development Fund, as set out in the Annexes, is approved.

The programme shall include the following actions:

- Annex 1: Skills and Technical Education Programme (STEP);
- Annex 2: Improving Secondary Education in Malawi (ISEM);
- Annex 3: Malawi Rural Roads Improvement Programme (RRIMP).

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the programme referred to in Article 1 is set at EUR 103 600 000 and shall be financed from the European Development Fund.

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 Annexes, subject to the conclusion of the relevant agreements.

The section “Implementation” of the Annexes to this Decision sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012.

Article 4

Non-substantial changes

Increases or decreases of up to EUR 10 million 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 authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

⁵ OJ L 210, 6.8.2013, p. 1

Done at Brussels, 3.8.2015

For the Commission
Neven MIMICA
Member of the Commission