



Brussels, 28.4.2017
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COMMISSION DECISION

of 28.4.2017

**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) 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) 2015/323 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 National Indicative Programme for the period 2014 – 2020 for co-operation between the Republic of Malawi and the European Union³, points 1.2. and 3 which prioritises under: (i) Governance, (ii) Sustainable Agriculture, and (iii) Secondary Education and Vocational Training and point 6 of which provides for support measures.
- (2) The objectives pursued by the measure to be financed under the 11th European Development Fund (EDF) Internal Agreement⁴ ('Internal Agreement') are to contribute to sustainable growth and poverty reduction in Malawi through effective delivery of EU development cooperation and a more coherent and informed approach to policy dialogue, development cooperation and trade related issues.
- (3) The action entitled 'Support Measures for management of EDF Resources' is articulated in three components: 1) The first support measure will directly target and benefit the National Authorising Officer and its services, with a view to assist the Ministry of Finance, Economic Planning and Development in the efficient and effective planning, preparation, implementation and monitoring of EDF programmes and related actions; 2) The Technical Cooperation Facility (TCF) component will remain the main tool for the provision of technical assistance, preparatory missions and assessments, studies, audits, training and capacity building as well as conferences and seminars; 3) The Visibility and Communication component will increase the visibility of the EU-Malawi cooperation. The action will be implemented in indirect management with the Government of Malawi for the National Authorising Officer

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).

(NAO) support and the TCF activities linked to knowledge and participation of Malawi in EU and global dialogue, and in direct management (procurement of services) for the rest of the TCF activities and the activities related to visibility.

- (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) The Commission should entrust budget-implementation tasks under indirect management to the partner country specified in the Annex to 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 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 those measures and the entrusted tasks are laid down in the Annex to this Decision.
- (6) It is necessary to allow for 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 in accordance with Article 2(1) and Article 29(1) of Regulation (EU) 2015/323.
- (7) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, any substantial change to a financing decision that has already been adopted should follow the same procedure as the initial decision. It is therefore appropriate that the Commission defines changes to this Decision that are considered non-substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (8) The measure provided for in this Decision is in accordance with the opinion of the EDF Committee established under Article 8 of the Internal Agreement.

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 adopted.

The measure shall include the following action:

- Annex : ‘Support Measures for management of EDF Resources’;

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 15 000 000 and shall be financed from the 11th European Development Fund.

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).

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

Article 3

Methods of implementation

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

The elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012 applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, are set out in the Annex to this Decision.

Article 4

Non-substantial changes

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 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, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, 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.

Done at Brussels, 28.4.2017

For the Commission

Neven Mimica

Member of the Commission