



Brussels, 2.12.2020
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COMMISSION IMPLEMENTING DECISION

of 2.12.2020

**on the financing of the Annual Action Programme 2020 in favour of the Republic of
South Africa**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union (TFEU),

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) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action², and in particular Article 2(1) thereof,

Whereas:

- (1) In order to ensure the implementation of Annual Action Programme 2020 in favour of the Republic of South Africa, it is necessary to adopt an annual financing decision which constitutes the annual work programme for 2020. Article 110 of Regulation (EU, Euratom) 2018/1046³ 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 TFEU⁴.
- (3) The Commission has adopted the National Multiannual Indicative Programme for the Republic of South Africa for the period 2014-2020⁵, which sets out the following priorities: employment creation; education, training and innovation; and building a capable and developmental state.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 77, 15.3.2014, p. 95.

³ 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 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁴ 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.

⁵ Commission Decision C(2014) 5703 final of 13.08.2014, as amended by Decision C(2018) 4741 of 20.07.2018, on the adoption of the National Multiannual Indicative Programme between the European Union and the Republic of South Africa.

- (4) The objectives pursued by the Annual Action Programme 2020 to be financed under the Development Cooperation Instrument⁶ are to assist the Government of South Africa in eradicating poverty, promoting inclusive and sustainable growth, and consolidating and improving the economic governance.
- (5) The action entitled ‘Technical Assistance Facility to Support Sustainable Infrastructure Development in South Africa’ aims to promote inclusive and sustainable development of South Africa and achieving the Sustainable Development Goals (SDGs). It will improve the policy and regulatory environment and the institutional framework for stimulation of innovative technical and financing models for sustainable infrastructure development within all three spheres of government – national, provincial and local.
- (6) Pursuant to Article 4(7) of Regulation (EU) No 236/2014, indirect management is to be used for the implementation of the programme.
- (7) 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 Regulation (EU, Euratom) 2018/1046.
- To this end, the Commission in accordance with Article 154(6) of Regulation (EU, Euratom) 2018/1046 retains the financial management responsibilities laid down in point 5.4.2 of the Annex.
- (8) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.
- (9) In order to allow for flexibility in the implementation of the programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.
- (10) The action provided for in this Decision is in accordance with the opinion of the Development Cooperation Instrument Committee established under Article 19 of Regulation (EU) No. 233/2014.

HAS DECIDED AS FOLLOWS:

Article 1
The programme

The annual financing decision, constituting the annual programme for the implementation of the Annual Action Programme 2020 in favour of the Republic of South Africa, as set out in the Annex, is adopted.

The programme shall include the following action: ‘Technical Assistance Facility to Support Sustainable Infrastructure Development in South Africa’, set out in the Annex.

⁶ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020 (OJ L 77, 15.3.2014, p. 44).

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme for 2020 is set at EUR 9 000 000 and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- (a) budget line 21.0206: EUR 9 000 000;

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 5.4.2 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 Regulation (EU, Euratom) 2018/1046, provided that these changes 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 apply the changes referred to in the first paragraph, in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 2.12.2020

For the Commission
Jutta URPILAINEN
Member of the Commission

⁷ These changes can come from assigned revenue made available after the adoption of the financing decision.