



Brussels, 9.12.2016
C(2016) 8574 final

COMMISSION IMPLEMENTING DECISION

of 9.12.2016

**on the Annual Action Programme 2016 in favour of the Republic of South Africa to be
financed from the general budget of the Union**

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THE EUROPEAN COMMISSION,

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

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 action¹, and in particular Article 2(1) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002², and in particular Article 84(2) thereof,

Whereas:

- (1) The Commission has adopted the Multiannual Indicative Programme for the Republic of South Africa for the period 2014-2020³, points 1.3 and 3 of which provide for the following priorities: Employment Creation, Education, Training and Innovation; and Building a capable and developmental state.
- (2) The objectives pursued by the Annual Action Programme to be financed under the Development Cooperation Instrument⁴ are to assist the Government of South Africa in eradicating poverty, promoting sustainable and inclusive growth, and consolidating and improving democratic and economic governance.
- (3) The action entitled "Employment Promotion through Small, Medium and Micro Enterprise (SMME) Support Programme for the Republic of South Africa " has as overall objective to assist the Government of South Africa to attain its unemployment objective through improving the competitiveness of SMMEs; increasing access to business development services and finance for SMMEs; and building the capacity of relevant government departments and agencies. Budget support together with complementary support will be the selected aid modality.
- (4) The action entitled "Enhancing Legislature Oversight Programme for the Republic of South Africa " has as overall objective to strengthen democracy and good governance through effective execution of the core mandate of Parliament and the Provincial Legislatures to legislate, exercise oversight and ensure public participation by strengthening oversight; enhancing public participation; strengthening the sector and

¹ OJ L 77, 15.3.2014, p. 95.

² OJ L 298, 26.10.2012, p. 1.

³ Commission Decision on the adoption of the Multiannual Indicative Programme between the European Union and the Republic of South Africa C(2014)5703 of 13.08.2015.

⁴ Regulation (EU) No 233/2014 of the European Parliament and of the Council establishing a financing instrument for development cooperation for the period 2014-2020 (OJ L 77, 15.3.2014, p. 44).

enhancing sharing of experiences; and building the capacity of Members of Parliament (MPs) and Members of Provincial Legislatures (MPLs) and core staff. It will be implemented in indirect management with the Republic of South Africa.

- (5) The action entitled "Enhancing Civil Society Organisation (CSO) Participation in Legislature's Oversight and Participation Processes" has as overall objective to contribute to improving a capable and accountable developmental state by strengthening the oversight system in South Africa by improving access to information to citizen on the legislature oversight and participation process; strengthening capacities of CSOs at provincial level to engage with provincial legislatures; and enhanced participation of CSOs in oversight and accountability mandate of the legislature. It will be implemented in direct management (grants – call for proposals).
- (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 1268/2012.⁵
- (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 set out in Annex 3.
- (8) The Commission should entrust budget-implementation tasks under indirect management to the partner country, subject to the conclusion of a financing agreement. In accordance with Article 60(1)(c) of Regulation (EU, Euratom) No 966/2012, 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 Annex 2 to this Decision.
- (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.
- (10) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, 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 measures provided for in this Decision are in accordance with the opinion of the Development Cooperation Instrument Committee set up by Article 19 of the financing instruments referred to in Recital 2.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The Annual Action Programme 2016 in favour of the Republic of South Africa to be financed from the general budget of the Union, as set out in the Annexes, is approved.

The programme shall include the following actions:

- Annex 1: Employment Promotion through SMME Support Programme for the Republic of South Africa;

⁵ 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).

- Annex 2: Enhancing Legislature Oversight Programme;
- Annex 3: Enhancing Civil Society Organisation (CSO) Participation in Legislature's Oversight and Participation processes.

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 64 245 800 and shall be financed for an amount of:

- EUR 59 827 501 from budget line BGUE-B2016-21.020600-C1 DEVCO
- EUR 2 504 621.17 from budget line BGUE-2016-21.020600-C4-DEVCO
- EUR 1 913 677.83 from budget line BGUE-2016-21.020600-C5-DEVCO

of the general budget of the Union for 2016.

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 entity identified in the attached Annex 2, subject to the conclusion of the relevant agreement.

The elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012 are set out in the Annexes.

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, 9.12.2016

For the Commission
Neven MIMICA
Member of the Commission