



Brussels, 17.12.2021
C(2021) 9275 final

COMMISSION IMPLEMENTING DECISION

of 17.12.2021

on the financing of the annual action plan in favour of Nepal for 2021

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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) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009², and in particular Article 23 thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favour of Nepal for 2021, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2021. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') 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 TFEU³.
- (3) The actions provided for in this Decision contribute to climate and biodiversity mainstreaming in line with the European Green Deal and the inter-institutional agreement.
- (4) The Commission has adopted the National Multiannual Indicative Programme⁴ for the period 2021-2027⁵, which sets out the following priorities: Inclusive Green Growth, Human Capital Development, and Good Governance.
- (5) The objectives pursued by the annual action plan to be financed under Regulation (EU) 2021/947 geographic programme 'Asia and the Pacific' are to support the implementation of Renewable Energy, Energy Efficiency and Agriculture, Forestry

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 209, 14.6.2021, p.1.

³ 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.

⁴ C(2021)9053.

⁵ Commission Implementing Decision adopting a multiannual indicative programme for Nepal for the period 2021-2027, C(2021)9053 final of 14.12.2021.

and Other Land Use (AFOLU) Targets of Nepal's Nationally Determined Contribution, support the implementation of Drinking Water and Sanitation Goals of Nepal's 15th National Development Plan, and to support public institution building for promoting democracy, human rights and fundamental freedoms by working with institutions on gender equality.

- (6) The action entitled 'Green Recovery and Empowerment with Energy in Nepal (GREEN)' will reduce the carbon footprints in the public and private sectors by developing financing schemes and markets for renewable energy and by adopting energy efficiency measures.
- (7) The action entitled 'Sustainable WASH for all - SUSWA', will deliver last mile inclusive access to water and sanitation in Karnali province by supporting local governments' legitimacy to improve transparent, accountable and inclusive service delivery, using country systems.
- (8) The action entitled 'Empowered Women for Prosperous Nepal - Shashakta Mahilaharu, Sambriddha Nepal' will promote gender equality and women empowerment (GEWE) by targeting the underlying drivers of gender inequality and investment in key gender equality accelerators, such as ending gender based violence, women's economic empowerment and access to services, and supporting the national Women's Machinery.
- (9) Pursuant to Article 26(1) of Regulation (EU) 2021/947, indirect management is to be used for the implementation of the action.
- (10) 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 the Financial Regulation.

To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation⁶ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (11) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of the Financial Regulation.
- (12) In order to allow for flexibility in the implementation of the annual action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (13) The action plan provided for in this Decision is in accordance with the opinion of the Neighbourhood, Development and International Cooperation Instrument – Global Europe Committee established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

Article 1
The action plan

The annual financing decision, constituting the annual action plan for the implementation of the annual action plan in favour of Nepal for 2021, as set out in the Annexes, is adopted.

⁶ Except for the cases in reference to Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

The action plan shall include the following actions:

- (a) 'Green Recovery and Empowerment with Energy in Nepal (GREEN)' set out in Annex I;
- (b) 'Sustainable WASH for all – SUSWA' set out in Annex II;
- (c) 'Empowered Women for Prosperous Nepal - Shashakta Mahilaharu, Sambriddha Nepal' set out in Annex III.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2021 is set at EUR 30 500 000, and shall be financed from the appropriations entered in the budget line B2021-14.020131-C1-INTPA of the general budget of the Union:

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 Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.3.1 of the Annex II and point 4.3.2 of the Annexes I and III.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 000 000 and 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 the Financial Regulation provided that these changes do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 17.12.2021

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.