



Brussels, 1.8.2023
C(2023) 5363 final

COMMISSION IMPLEMENTING DECISION

of 1.8.2023

on the financing of the annual action plan in favour of the Republic of Malawi for 2023

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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(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favour of the Republic of Malawi for 2023, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2023. 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 Programme for the Republic of Malawi for the period 2021-2027⁴, which sets out the following priorities: supporting a green and resilient economic transformation, in view of creating decent jobs, based on sound economic and democratic governance systems.
- (5) The objectives pursued by the annual action plan to be financed under the Regulation (EU) 2021/947, geographic programme 'Sub-Saharan Africa', are to enhance the implementation of gender responsive and nutrition sensitive social safety nets, such as

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 Commission Decision adopting a multiannual indicative programme for the Republic of Malawi for the period 2021-2027, C(2021)9116 of 21 December 2021.

social cash transfers and school meals, to strengthen the management and sustainability of the social protection systems and to improve the economic governance in the country for effective private and public investment, with particular attention to the eco-tourism sub-sector.

- (6) The action entitled ‘Gender Responsive Social Protection– Kutukula Amai’ aims at enhancing the efficiency and effectiveness of the Malawi National Social Support Programme, to reinforce and institutionalise system’s complementary services supporting women’s economic resilience and livelihoods, and to enhance access to social services for girls and women from vulnerable households.
- (7) The action entitled ‘Scaling Up Homegrown School Feeding – Tsogolo la Thanzi (TSOLATA) II’ aims at ensuring inclusive access to nutritious and diversified food for children in primary and pre-primary, to increase access of smallholder farmers to local procurement for school feeding, and to improve the management and ownership of the national school feeding programme.
- (8) The action entitled ‘The Green Heart of Africa – Tikope Alendo ndi Zachilengdwe m’Malawi (TAZA)’ aims at contributing to Malawi’s sustainable development of the ecotourism sector.
- (9) The action entitled ‘Economic Governance for Investment – Tikuze Malawi’ aims at improving Malawi’s business environment and at increasing the efficiency of anticorruption and antifraud systems.
- (10) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (11) The Commission should authorise the launch of a call for proposals by means of a suspensive clause before the adoption of this Decision.
- (12) Pursuant to Article 26(1) of Regulation (EU) 2021/947, indirect management is to be used for the implementation of the action.
- (13) 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 Regulation⁵ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

- (14) 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.
- (15) In order to allow for flexibility in the implementation of the 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.
- (16) The action plan provided for in this Decision is in accordance with the opinion of the Committee established under Article 45 of Regulation (EU) 2021/947.

⁵ Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an ex-ante assessment.

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 the Republic of Malawi for 2023, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) Gender Responsive Social Protection– Kutukula Amai, set out in Annex 1;
- (b) Scaling Up Homegrown School Feeding – Tsogolo la Thanzi (TSOLATA) II, set out in Annex 2;
- (c) The Green Heart of Africa – Tikope Alendo ndi Zachilengdwe m’Malawi (TAZA), set out in Annex 3;
- (d) Economic Governance for Investment – Tikuze Malawi, set out in Annex 4.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2023 is set at EUR 116 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union :

- budget line BGUE-B2023-14.020122-C1-INTPA: EUR 116 000 000.

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 Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.4 of the Annexes 1, 2, 3 and 4.

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 changes⁶ 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.

⁶ These changes can come from assigned revenue made available after the adoption of the financing decision.

Article 5
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex. Grants may be awarded to the bodies referred to in Annexes 1, 3 and 4.

Launching a call for proposals under a suspensive clause before the adoption of this Decision shall be authorised as of the date set out in point 4.4. of Annex 2.

Done at Brussels, 1.8.2023

For the Commission
Jutta URPILAINEN
Member of the Commission