



Brussels, 18.8.2022
C(2022) 6027 final

COMMISSION IMPLEMENTING DECISION

of 18.8.2022

**on the financing of the annual action plan in favour of the Republic of Zambia for 2022
part 1**

COMMISSION IMPLEMENTING DECISION

of 18.8.2022

on the financing of the annual action plan in favour of the Republic of Zambia for 2022 part 1

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) for action plans thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favour of the Republic of Zambia 2022 part 1, it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2022 part 1. 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 Commission has adopted the National Multiannual Indicative Programme for the period 2021-2027⁴, which sets out the following priorities: i) Green partnerships for sustainable recovery, growth and jobs; ii) Supporting the people of Zambia to reach their potential and build resilience; and iii) Fair, inclusive and peaceful society.
- (4) The objectives pursued by the annual action plan to be financed under the Regulation (EU) 2021/947 geographic programme 'Sub-Saharan Africa' are to foster key governance reforms in Zambia by improving government decision-making, accountability and justice through the EnACT programme and to strengthen the EU-Zambia partnership through the Global Europe Cooperation Facility.

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 Implementing Decision adopting a multiannual indicative programme for the Republic of Zambia for the period 2021-2027 C(2021)9057 final of 14.12.2021.

- (5) The action entitled ‘Enabling Access to justice, Civil society participation, and Transparency (EnACT)’ has the overall objective to promote rule of law, human rights and accountability for all in Zambia. More specifically, it aims to improve legal framework for democratic governance and justice; enhance transparency and accountability of state institutions; and enhance access to justice for people living in Zambia, women and men in all their diversity. The Commission should acknowledge and accept contributions from other donors in accordance with Article 21(2) of the Financial Regulation, subject to the conclusion of the relevant agreement. Where such contributions are not denominated in euro, a reasonable estimate of conversion should be made.
- (6) The action entitled ‘Support Measures - Cooperation Facility for Zambia’ has the overall objective to work with the Government of Zambia, EU Member States present in the country, cooperating partners, civil society and the private sector in order to contribute to the effectiveness of the EU-Zambia cooperation. The specific objectives are aimed at improved capacity of the Zambian government for effective management and coordination of EU-funded interventions; applied evidence based approach including gender-specific or sex-disaggregated data to EU programme and project management cycle; and increased awareness, understanding and support for EU policy and our partnership in the country.
- (7) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (8) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (9) 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.

- (10) 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.
- (11) 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.
- (12) 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 referred to in Article 154(6) of the Financial Regulation, 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 Zambia for 2022 part 1, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) Enabling Access to justice, Civil society participation, and Transparency (EnACT), set out in Annex 1;
- (b) Support Measures - Cooperation Facility for Zambia, set out in Annex 2.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2022 part 1 is set at EUR 18 900 000, and shall be financed from the appropriations entered in the budget line BGUE-B2022-14.020122-C1 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 4.4.1 of Annex 1.

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 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 Annex 2. Grants may be awarded to the bodies referred to in Annex 2.

Done at Brussels, 18.8.2022

For the Commission

Margrethe VESTAGER

Executive Vice-President