



Brussels, 16.12.2022
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COMMISSION IMPLEMENTING DECISION

of 16.12.2022

on the financing of the annual action plan part II in favour of Guatemala for 2022

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THE EUROPEAN COMMISSION,

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

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 annual action plan in favour of Guatemala for 2022 part II, it is necessary to adopt an annual³ financing decision, which constitutes the annual work programme, for 2022. 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 TFEU⁴.
- (3) The action 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 period 2021-2027⁵, which sets out the following priorities: 1) Fostering Green Transition, 2) Investing in the Future: Creating decent jobs through innovation and digitalisation, 3) Stronger institutions for stronger social cohesion among regions and generations.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 209, 14.6.2021, p.1.

³ Multiannual financing decision shall always constitute a multiannual action plan/measure.

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 Implementing Decision adopting a multiannual indicative programme for Guatemala for the period 2021-2027, C(2021) 9072 final of 14.12.2021.

- (5) The objectives pursued by the annual action plan part II to be financed under the Regulation (EU) 2021/947 geographic programme ‘Americas and the Caribbean’ are to link the socio-economic development of Petén with environmental protection and the sustainable use of natural resources.
- (6) The action entitled “Fostering Green Transition in Petén” aims at the social and economic green transition of the Petén macro region of Guatemala and the generation of inclusive sustainable and green employment. This will be achieved by strengthening existing and developing new wood processing value chains based on sustainable forest management, support climate resilient agriculture and agro-forest systems and contrive a respectful tourism sector. Ensuring compliance of new EU rules (e.g. The European Green Deal⁶, EU Biodiversity Strategy for 2030⁷, deforestation-free production⁸) in global value chains will guarantee, in the framework of EU Global Gateway⁹ and the EU-CA Association Agreement¹⁰, access to EU markets of products already being exported to the EU. Improving solid waste management and water and sanitation systems of the municipalities surrounding Lago Petén-Itza will provide green transition of basic services and improve social development. Simultaneously, the institutional capacities of all levels of public administration will be strengthened with regard to green and sustainability policies, instruments and services, including services regarding implementation and enforcement of land use and protected area boundaries. The Commission should acknowledge and accept contribution[s] from other donors in accordance with Article 21(2) of the Financial Regulation, subject to the conclusion of the relevant agreement. Where such contribution[s] are not denominated in euro, a reasonable estimate of conversion should be made.
- (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 Regulation¹¹ 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.

⁶ The European Green Deal, COM(2019) 640 (final) of 11/12/2019

⁷ EU Biodiversity Strategy for 2030, COM(2020) 380 (final) of 20/05/2020

⁸ EU regulation for deforestation-free supply chains of 28/06/2022

⁹ The Global Gateway, JOIN(2021) 30 (final) of 01/12/2021

¹⁰ Document 22012A1215(01) of 23/06/2022

¹¹ 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.

(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,

HAS DECIDED AS FOLLOWS:

Article 1
The action plan

The annual financing decision, constituting the annual action plan for the implementation of the the annual action plan part II in favour of Guatemala for 2022, as set out in the Annex, is adopted.

The action plan shall include the following action: Fostering Green Transition in Petén set out in Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2022 is set at EUR 40 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union :

(a) budget line 14 02 01 40: EUR 40 000 000.

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 4.3.3 of the Annex.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes¹² 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.

¹² 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 the Annex selected in accordance with point 4.3.1 of the Annex.

Done at Brussels, 16.12.2022

For the Commission

Jutta URPILAINEN

Member of the Commission