



Brussels, 15.12.2022
C(2022) 9676 final

COMMISSION IMPLEMENTING DECISION

of 15.12.2022

**on the financing of the annual action plan in favour of the Republic of South Africa for
2022**

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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 annual action plan in favour of the Republic of South Africa for 2022, it is necessary to adopt an annual 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 TFEU³.
- (3) The actions provided for in this Decision contribute to climate 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 2021-2027⁴, which sets out the following priorities of Sustainable, resilient, transformative and inclusive growth, Reducing inequalities and partnerships.
- (5) The objectives pursued by the Annual Action Programme South Africa for 2022 to be financed under the geographic programme 'Sub-Saharan Africa' are to assist the Government of South Africa in eradicating poverty, promoting inclusive and sustainable growth and consolidating and improving economic governance.

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 on the adoption of the National Indicative Programme between the European Union and the Republic of South Africa 2021-2027 C(2021)9112 final of 14.12.2021.

- (6) The action entitled ‘Partnering for Impact’ will look at creating a deepened partnership between South Africa and the EU on institutional and individual levels.
- (7) The action entitled ‘Bridging inequalities through greener municipal services’ will look at contributing towards South Africa’s efforts in the reduction of inequalities and the achievement of the Government’s NDCs and will constitute a first contribution to the EU pledge on the Just Energy Transition Partnership with South Africa.
- (8) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (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 Regulation⁵ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

To this end, the Commission in accordance with Article 154(6) of the Financial Regulation retains the financial management responsibilities laid down in point 4.4.5 of Annex 1.

- (11) The Commission in accordance with Article 154(6) of the Financial Regulation retains the financial management responsibilities laid down in point 4.4.5 of the Annex 1.
- (12) 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.
- (13) 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.
- (14) 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 annual action plan in favour of the Republic of South Africa for 2022, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) Partnering for Impact set out in Annex 1;
- (b) Bridging inequalities through greener municipal services set out in Annex 2.

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.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2022 is set at EUR 30 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- budget line BGUE-B2022-14.020122-C1-INTPA: EUR 30 000 000;

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 4.4.4 and 4.4.5 of Annex 1 and 4.3.3 of Annex 2.

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 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 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.

Article 5
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annexes. Grants may be awarded to the bodies selected in accordance with point 4.4.1 and 4.4.2 of Annex 1 and 4.3.1 of Annex 2.

Done at Brussels, 15.12.2022

For the Commission
Jutta URPILAINEN
Member of the Commission