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**COMMISSION DECISION**

**of 11.4.2018**

**on the individual measure in favour of the Republic of Uganda to be financed from the  
11<sup>th</sup> European Development Fund**

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### on the individual measure in favour of the Republic of Uganda to be financed from the 11<sup>th</sup> European Development Fund

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

Having regard to Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11<sup>th</sup> European Development Fund<sup>1</sup>, and in particular Article 9(1) thereof,

Having regard to Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the European Development Fund<sup>2</sup>, and in particular Article 26 thereof,

Whereas:

- (1) The Commission has adopted the National Indicative Programme (NIP) for Uganda for the period 2014-2020<sup>3</sup>, Chapter 1.2. of which provides for the following priorities: Focal sector 1: Transport Infrastructures; Focal Sector 2: Food Security and Agriculture and Focal Sector 3: Good Governance.
- (2) The objectives pursued by the individual measure to be financed under the 11<sup>th</sup> European Development Fund (EDF) Internal Agreement ('Internal Agreement')<sup>4</sup> are to rehabilitate the railway linking Tororo at the Kenyan border to Gulu in Northern Uganda, increasing exports volumes and intra- inter- national trade. The project will contribute to increase the resilience of refugee and host communities in Northern Uganda, especially in coordination with the multi-sector programme "Development Initiative for Northern Uganda" (DINU – AAP 2016). The action will be implemented in indirect management with the Government of Uganda.
- (3) It is necessary to adopt a financing decision the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012<sup>5</sup> applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323.
- (4) The Commission should entrust budget-implementation tasks under indirect management to the Government of Uganda specified in the Annex to this Decision, subject to the conclusion of a financing agreement. In accordance with Article 60(1) (c) of Regulation (EU, Euratom) No 966/2012, applicable in accordance with Article

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<sup>1</sup> OJ L 58, 3.3.2015, p. 1.

<sup>2</sup> OJ L 58, 3.3.2015, p. 17.

<sup>3</sup> Commission Decision on the adoption of the National Indicative Programme between the European Union and Uganda C(2014)5516, 7.8.2014 and Corrigendum C(2015) 2513, 20.4.2015.

<sup>4</sup> Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies, (OJ L 210, 6.8.2013, p. 1).

<sup>5</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

2(1) and Article 17 of Regulation (EU) 2015/323, the authorising officer responsible needs to ensure that measures are taken to supervise and support the implementation of the entrusted tasks. A description of those measures and the entrusted tasks are laid down in the Annex to this Decision.

- (5) It is necessary to allow the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 29(1) of Regulation (EU) 2015/323.
- (6) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, any substantial change to a financing decision that has already been adopted should follow the same procedure as the initial decision. It is therefore appropriate that the Commission defines the changes to this Decision that are considered non-substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (7) The measure provided for in this Decision is in accordance with the opinion of the EDF Committee established under Article 8 of the Internal Agreement.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### **Adoption of the programme**

The Commission decision on the individual measure in favour of the Republic of Uganda to be financed from the 11<sup>th</sup> European Development Fund, as set out in the Annex, is adopted.

The measure shall include the following action:

- Annex: "Contribution to the Development Initiative for Northern Uganda through the rehabilitation of the Tororo-Gulu railway"

#### *Article 2*

##### **Financial contribution**

The maximum contribution of the European Union for the implementation of the programme referred to in Article 1 is set at EUR 21 500 000 and shall be financed from the 11<sup>th</sup> European Development Fund.

The financial contribution provided for in the first paragraph may also cover interest due for late payment.

#### *Article 3*

##### **Methods of implementation**

Budget-implementation tasks under indirect management may be entrusted to the Government of Uganda subject to the conclusion of the relevant agreement.

The elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012 applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323 are set out in the Annex to this Decision.

*Article 4*

**Non-substantial changes**

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 within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, provided that they do not significantly affect the nature and objectives of the actions. The use of contingencies shall be taken into account in the ceiling set by this Article.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 11.4.2018

*For the Commission*

*Neven MIMICA*

*Member of the Commission*