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**COMMISSION IMPLEMENTING DECISION**

**of 15.7.2024**

**on the financing of the annual action plan in favour of the Republic of Malawi for 2024**

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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 966/2012<sup>1</sup>, 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 480/2009<sup>2</sup>, and in particular Article 23(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favour of the Republic of Malawi for 2024, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2024. 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 TFEU<sup>3</sup>.
- (3) The actions provided for in this Decision should contribute to climate mainstreaming in line with Commission Communication 'The European Green Deal'<sup>4</sup> and in the Inter-institutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources<sup>5</sup>.

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<sup>1</sup> OJ L 193, 30.7.2018, p.1.

<sup>2</sup> OJ L 209, 14.6.2021, p.1.

<sup>3</sup> [www.sanctionsmap.eu](http://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.

<sup>4</sup> COM (2019) 640 final of 11 December 2019.

<sup>5</sup> OJ L 433, 22.12.2020, p. 28.

- (4) The Commission has adopted the national Multiannual Indicative Programme for the period 2021-2027<sup>6</sup>, which sets out the following priorities: supporting a green and resilient economic transformation, in view of creating decent jobs, based on sound democratic and economic governance systems and on empowered human capital.
- (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 upgrade a climate-resilient transmission power network serving the Northern region, to enhance through budget support secondary education and the reform of public finance management, and to create innovative and sustainable jobs for vulnerable young people living in secondary cities.
- (6) The action entitled ‘Eastern Backbone Power Transmission’ aims at improving inclusive access to affordable, reliable, sustainable and modern energy through upgrading a climate-resilient transmission power network serving the northern region, and building the energy service provider’s capacities.
- (7) The action entitled ‘Malawi State and Resilience Building Programme’ has the overall objective to accelerate the social and economic inclusion of youth in their diversity based on sound economic governance in Malawi, through the enhancement of quality and equity of secondary education and the reform of public finance management.
- (8) The action entitled ‘Civil Society Partnership for Jobs’ intends to create innovative and sustainable pathways for decent and green job creation in particular for young women, in urban and peri-urban settings in Malawi through an enhanced partnership between Civil Society, the Private Sector, and Government.
- (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 Regulation<sup>7</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (11) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (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 determine the changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.

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<sup>6</sup> Commission Implementing Decision adopting a multiannual indicative programme for the Republic of Malawi for the period 2021-2027, C(2021)9116 of 14.12.2021.

<sup>7</sup> 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.

- (14) The action plan provided for in this Decision is in accordance with the opinion of the NDICI-Global Europe 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 Malawi for 2024, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) Eastern Backbone Power Transmission, set out in Annex 1;
- (b) Malawi State and Resilience Building Programme' set out in Annex 2;
- (c) Civil Society Partnership for Jobs' set out in Annex 3.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the action plan for 2024 is set at EUR 93 000 000<sup>8</sup>, and shall be financed from the appropriations entered in budget line 14.020122 of the general budget of the Union: EUR 93 000 000.

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 4.4.1 of Annex 2.

*Article 4*  
*Flexibility clause*

Increases or decreases of up to EUR 10 000 000 and not exceeding 20% of the maximum Union contribution set in the first paragraph of Article 2, or cumulated changes<sup>9</sup> 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, where these changes do not significantly affect the nature and objectives of the actions.

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<sup>8</sup>This amount must include the appropriations corresponding to assigned revenue, if they are available at the time the financing decision is adopted. This amount must also include the total amount of annual instalments (see above).

<sup>9</sup> These changes can come from assigned revenue made available after the adoption of the financing decision.

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

Done at Brussels, 15.7.2024

*For the Commission*

*Jutta URPILAINEN*

*Member of the Commission*