



Brussels, 18.8.2022  
C(2022) 6026 final

**COMMISSION IMPLEMENTING DECISION**

**of 18.8.2022**

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

## COMMISSION IMPLEMENTING DECISION

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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(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favour of the Republic of Kenya 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 TFEU<sup>3</sup>.
- (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<sup>4</sup> for the period 2021-2027 which sets out the following priorities: Green Transition, Human Development and Digitalisation, Governance.
- (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 promote the sustainable development of Kenya by contributing to the country's green transition, its digital transformation and its actions to support refugees.
- (6) The action entitled 'Green Deal #TeamEuropeKenya' aims to promote greener, more inclusive and resilient urbanisation and rural development in Kenya. The Action's

<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> Decision C(2021) 9305 Final, Dated 16/12/21

specific objective 1 is to make urban mobility more sustainable and accessible. Objective 2 is to deliver participatory slum upgrading, land services and low-cost green housing solutions for low-income households. Objective 3 is to enhance the resilience to drought and other climate change effects of communities in arid and semi-arid lands.

- (7) The action entitled ‘Human-Centred Digitalisation #TeamEuropeKenya’ overall objective is to contribute towards a more inclusive and greener Kenya through digitalisation. The Action’s specific objective 1 is to reduce the digital gap by connecting underserved areas to digital services. Objective 2 is to leapfrog digital economy transformation by strengthening the innovation ecosystem and building digital skills. Objective 3 is the strengthening of an open and inclusive digital governance.
- (8) The action entitled ‘Building Opportunities for Refugee and Host Community Self-Reliance’ overall objective is to contribute to an asylum space in which displaced communities participate in fostering their socio-economic inclusion and self-reliance. The Action’s specific objective 1 is to improve policies and practice for a more inclusive approach for refugees. Objective 2 is to enhance displaced communities’ access to training and income-generating activities in the agricultural sector in Turkana County. Objective 3 is to enhance displaced communities’ access to decent employment in Garissa County.
- (9) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants in accordance with Article 195 of Regulation 2018/1046.
- (10) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of all actions.
- (11) 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>5</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

- (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,

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<sup>5</sup> 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.

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 Kenya for 2022, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) Green Deal #TeamEuropeKenya set out in Annex I;
- (b) Human-Centred Digitalisation #TeamEuropeKenya set out in Annex II;
- (c) Building Opportunities for Refugee and Host Community Self-Reliance set out in Annex III.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the action plan for 2022 is set at EUR 111 000 000, and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- (a) Budget line : BGUE-B2022-14 02 01 21-C1-INTPA: EUR 79 958 493
- (b) Budget line : BGUE-B2022-14 02 01 21-C2-INTPA: EUR 31 041 507.

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 of Annex I and II, and point 4.4.2 of Annex III.

*Article 4*  
*Flexibility clause*

Increases or decreases of up to EUR 10 000 000 not exceeding 20% of the maximum Union contribution set in the first paragraph of Article 2, or cumulated changes<sup>6</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 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.

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<sup>6</sup> 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 Annexes. Grants may be awarded to the body selected in accordance with point 4.4.1 of the Annex I.

Done at Brussels, 18.8.2022

*For the Commission*

*Margrethe VESTAGER*

*Executive Vice-President*