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C(2022) 9539 final

**COMMISSION IMPLEMENTING DECISION**

**of 12.12.2022**

**on the financing of the annual action plan in favour of the Republic of Namibia 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 966/2012<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 Namibia 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 mainly contribute to the political priorities 'Governance, peace and security', 'Sustainable Growth and Jobs' and 'Inclusive green growth' and mainstream 'Digitalisation'.
- (4) The Commission has adopted the National Multiannual Indicative Programme for the period 2021-2027<sup>4</sup>, which sets out the following priorities: (1) Foundational Skills – Education, (2) Inclusive Green Growth and (3) Good Governance and Gender Equality.
- (5) The action entitled 'EU-Namibia Early Childhood Development Sector Reform Contract' aims at increasing equitable and inclusive access to Early Childhood Education and Pre-Primary-Education facilities and/or services for girls and boys as

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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> Commission Decision on the adoption of the National Indicative Programme between the European Union and the Republic of Namibia C(2021)9366 final of 15.12.2021

well as at increased quality of teaching and learning in ECD and PPE for girls and boys and at improved management and institutional framework for ECD and PPE.

- (6) The action entitled ‘Good Governance and Gender Equality’ aims at strengthening the management and technical capacity of the Anti-Corruption Commission and the Ministry of Gender Equality, Poverty Eradication and Social Welfare. It also aims at the effective implementation of the national action plan to combat Gender-Based Violence and the national anti-corruption national strategy and action plan.
- (7) ‘The EU-Namibia Cooperation Facility’ aims at contributing to the efficient and effective roll-out and implementation of Namibia’s development priorities as underpinned in the multi-annual indicative programme and to accommodate the EU’s and Namibia’s interests in areas which go beyond the proposed priority areas, by promoting dialogue, exchange of expertise, engaging in strategic communication, fostering a conducive trade and investment climate and engagement with civil society.
- (8) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management are to be used for the implementation of the actions.
- (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.
- (10) 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.
- (11) To this end, the Commission in accordance with Article 154(6) of the Financial Regulation retains the financial management responsibilities laid down in point 4.4.3 of Annex 3.
- (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 and its supporting measures for the implementation of annual action plan in favour of the Republic of Namibia for 2022, as set out in the Annexes, is adopted.

The action plan shall include the following actions

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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.

- (a) EU-Namibia Early Childhood Development Sector Reform Contract as set out in Annex 1;
- (b) Good Governance and Gender Equality as set out in Annex 2;
- (c) EU-Namibia Cooperation Facility as set out in Annex 3.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the action plan for 2022 is set at EUR 24 000 000, 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 24 000 000

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 4.4.2 of Annex 1, in points 4.3.1 and 4.3.2 of Annex 2, and point 4.3.3 of Annex 3.

*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% if that contribution, as well as extensions of the implementation period shall not be considered substantial for the purpose 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.

Done at Brussels, 12.12.2022

*For the Commission*  
*Jutta URPIAINEN*  
*Member of the Commission*