



Brussels, 13.12.2021
C(2021) 9452 final

COMMISSION IMPLEMENTING DECISION

of 13.12.2021

**on the financing of the annual action plan - part 1 - in favour of the Latin America and
Caribbean region for 2021**

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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 966/2012¹, 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 thereof,

Whereas:

- (1) In order to ensure the implementation of the Regional Annual Action Plan part 1 it is necessary to adopt an annual financing decision, which constitutes the annual work programme part 1, for 2021. 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 action provided for in this Decision contributes to climate mainstreaming in line with the European Green Deal and the inter-institutional agreement.
- (4) The Commission has adopted the Multiannual Indicative Programme⁴ for the Americas and the Caribbean for the period 2021-2027⁵, which sets out the following priorities: Green Transition, Digital Transformation and innovation, Sustainable and inclusive economic recovery, Democratic governance, security and migration and Social cohesion for its Pan-American window and Green Deal, Economic resilience and trade and governance, security and human development for its Caribbean window.

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 C(2021)9356, 13.12.2021.

⁵ Commission Implementing Decision on adopting the Multiannual Indicative Programme for the Americas and the Caribbean for the period 2021-2027, C(2021)9356 of 13.12.2021.

- (5) The objective pursued by the annual action plan - part 1 - to be financed under the regulation EU 2021/947, geographic programme ‘Americas and the Caribbean’, is to contribute to a green and digital transition while fostering a sustainable and inclusive economic recovery in beneficiary countries, in line with the objectives of the Multiannual Indicative Programme (MIP) for the Americas and the Caribbean for 2021 – 2027.
- (6) The action entitled “Latin America and the Caribbean Investment Facility” will leverage public and private resources in order to support key investments for sustainable inclusive development with a focus on climate change, as well as private sector development in the region contributing substantially to poverty alleviation. The Commission should acknowledge and accept contributions from other donors in accordance with Article 21(2) of the Financial Regulation, subject to the conclusion of the relevant agreement. Where such contributions are not denominated in euro, a reasonable estimate of conversion should be made.
- (7) In accordance with Article 43 of Regulation (EU) 2021/947, the action is of regional nature, fostering regional cooperation with Latin America and the Caribbean countries. The action's objective and design fulfil the criteria for Official Development Assistance established by the OECD/DAC, as per the requirements of Article 3(3) of Regulation (EU) 2021/947, contributing to the sustainable development of partner countries and the implementation of the 2030 agenda by contributing to a green and digital transition, while fostering a sustainable and inclusive economic recovery in beneficiary countries. Due to the project's nature and the importance to ensure complete regional coverage, the eligibility of the action extends exceptionally to middle and high income countries, as their participation constitutes a substantial element to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation.
- (8) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (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.

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 Regulation⁶ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

- (10) 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.
- (11) 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.
- (12) The action plan provided for in this Decision is in accordance with the opinion of the Neighbourhood, Development and International Cooperation Instrument – Global

⁶ 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.

Europe Committee established under Article 45 of Regulation (EU) No 2021/947 of 9 June 2021

HAS DECIDED AS FOLLOWS:

Article 1
The action plan

The annual financing decision part 1, constituting the annual action plan for the implementation of the annual action plan - part 1, as set out in the Annex, is adopted.

The action plan shall include the following action: Latin America and Caribbean Investment Facility (LACIF) set out in the Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2021 is set at EUR 80 000 000, and shall be financed from the appropriations entered in the following lines of the general budget of the Union :

- (a) BGUE-B2021-14.020140-C1-INTPA: EUR 40 000 000;
- (b) BGUE-B2021-14.020141-C1-INTPA: EUR 40 000 000;

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 Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.3.1 and in Appendix 2 of the Annex.

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 changes⁷ 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 Regulation (EU, Euratom) 2018/1046 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.

⁷ These changes can come from assigned revenue made available after the adoption of the financing decision.

Article 5
Financial instruments

The Latin America and Caribbean Investment Facility is established.

The provision of financial support by means of blending for the amount set in the Annex, may be entrusted to the entities referred to or selected in accordance with the criteria laid down in point 4.3.1 and in the Appendix 2 of the Annex.

Done at Brussels, 13.12.2021

For the Commission
Jutta URPILAINEN
Member of the Commission