



Brussels, 31.10.2016
C(2016) 7078 final

COMMISSION DECISION

of 31.10.2016

**on the Annual Action Programme 2016 in favour of the Kingdom of Lesotho to be
financed from the 11th European Development Fund**

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THE EUROPEAN COMMISSION,

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 11th European Development Fund¹, 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 11th European Development Fund², and in particular Article 26 thereof,

Whereas:

- (1) The Commission has adopted the Country Strategy Paper for the Kingdom of Lesotho for the period 2014-2020³ which provides for the following priority: Energy
- (2) The objective pursued by the Annual Action Programme to be financed under the 11th European Development Fund (EDF) Internal Agreement⁴ ('Internal Agreement') is improved access to a modern, clean, affordable and reliable energy supply, including a better enabling environment for large up-scaling under a follow-up phase II.
- (3) The action entitled "Support to Reform in the Energy Sector in Lesotho (phase I)" aims to: i) Contribute to the creation of conditions which lead to effective and sustainable energy sector governance, including adaptation to sector reform by key stakeholders; ii) establish the Updated National Energy Master Plan, endorsed by Cabinet and being implemented; and iii) create the conditions for full-scale access to modern energy in rural areas, demonstrating also the nexus between the water and energy sectors through pilot projects.
- (4) 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 1268/2012⁵ applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323.
- (5) It is necessary to adopt a work programme for grants, the detailed rules of which are set out in Article 128(1) of Regulation (EU, Euratom) No 966/2012 and in Article

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 58, 3.3.2015, p. 17.

³ C(2014)3646, 12.06.2014

⁴ 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).

⁵ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation 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).

188(1) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 37(1) of Regulation (EU) 2015/323. The work programme is set out in the Annex to this Decision.

- (6) The Commission should entrust budget-implementation tasks under indirect management to the Kingdom of Lesotho specified in this Decision, subject to the conclusion of a financing agreement. In accordance with Article 60(1)(c) of Regulation (EU, Euratom) No 966/2012 EDF, applicable in accordance with Article 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 these measures and the entrusted tasks are laid down in the Annex to this Decision.
- (7) 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 29(1) of Regulation (EU) 323/323.
- (8) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 26 of Regulation (EU) 2015/323, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (9) The measure provided for in this Decision is in accordance with the opinion of the European Development Fund Committee set up by Article 8 of the Internal Agreement.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The Annual Action Programme 2016 in favour of the Kingdom of Lesotho to be financed from the 11th European Development Fund, as set out in the Annex, is approved.

The programme shall include the following action:

Annex : “Support to Reform in the Energy Sector in Lesotho (Phase I)”.

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 7 000 000 and shall be financed from the European Development Fund.

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

Article 3

Implementation modalities

Budget-implementation tasks under indirect management may be entrusted to the entity identified in the attached Annex, 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 26 of Regulation (EU) 2015/323, are set out in the Annex.

Article 4

Non-substantial changes

Increases or decreases of up to EUR 10 000 000 not exceeding 20 % of the contribution set by 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 26 or 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, 31.10.2016

For the Commission

Neven MIMICA

Member of the Commission