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**COMMISSION DECISION**

**of 29.10.2018**

**on the financing of the annual action programme 2018 in favour of the Kingdom of  
Lesotho to be financed from the 11<sup>th</sup> European Development Fund**

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### **on the financing of the annual action programme 2018 in favour of the Kingdom of Lesotho to be financed from the 11<sup>th</sup> European Development Fund**

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 11<sup>th</sup> European Development Fund<sup>1</sup>, 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 11<sup>th</sup> European Development Fund<sup>2</sup>, and in particular Article 26 thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action programme in favour of the Kingdom of Lesotho, it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 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.
- (3) The Commission has adopted the National Indicative Programme for the Kingdom of Lesotho for the period 2014-2020<sup>3</sup>, which sets out the following priorities: (i) develop the water sector to improve food security, rural incomes, and public health whilst supporting environmental preservation and protection, (ii) develop the energy sector to provide Lesotho's people and productive sectors with access to a modern, clean, affordable, sustainable and reliable energy supply, (iii) enhance governance in Lesotho's political, economic, social and environmental dimensions to secure its inclusive and sustainable development.
- (4) The objectives pursued by the annual action programme to be financed under the 11<sup>th</sup> European Development Fund (EDF) Internal Agreement<sup>4</sup> ("Internal Agreement") are to support Integrated Catchment Management which contributes to secure water resources, enhance agricultural production and further the rural economy in Lesotho, as well as contributing to Lesotho's adaptation to climate change.
- (5) The action entitled "Support to Integrated Catchment Management in Lesotho" will have Integrated Catchment Management institutionalised and under full

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<sup>1</sup> OJ L 58, 3.3.2015, p. 1.

<sup>2</sup> OJ L 58, 3.3.2015, p. 17.

<sup>3</sup> Commission Decision on the adoption of the National Indicative Programme between the European Union and Kingdom of Lesotho C(2014)3639, 12. 6.2014.

<sup>4</sup> 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.

implementation in Lesotho, based on gender equality and climate adaptation principles.

- (6) Pursuant to Article 17 of Regulation (EU) 2015/323 indirect management is to be used for the implementation of the programme.
- (7) 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 Regulation (EU, Euratom) 2018/1046 applicable in accordance with Article 2(1) and Article 17 of Regulation (EU) 2015/323.
- (8) 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 Regulation (EU, Euratom) 2018/1046<sup>5</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.
- (9) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046 applicable in accordance with Article 29(1) of Regulation (EU) 2015/323.
- (10) In order to allow for flexibility in the implementation of the programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (11) The measure provided for in this Decision is in accordance with the opinion of the EDF Committee established under Article 8 of the Internal Agreement.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The programme*

The financing decision, constituting the implementation of the annual action programme 2018 in favour of the Kingdom of Lesotho to be financed from the 11<sup>th</sup> European Development Fund, as set out in the Annex, is adopted.

The programme shall include the following action:

Annex: "Support to Integrated Catchment Management in Lesotho".

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the programme is set at EUR 28 000 000 and shall be financed from the 11<sup>th</sup> European Development Fund.

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

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<sup>5</sup> Except for the cases of Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

### *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 5.4.1 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 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 for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, 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, 29.10.2018

*For the Commission*

*Neven Mimica*

*Member of the Commission*