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C(2024) 8839 final

**COMMISSION IMPLEMENTING DECISION**

**of 11.12.2024**

**on the financing of the multiannual action plan in favour of Malaysia for 2025-2027**

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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) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union<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(1) and (2) thereof,

Whereas:

- (1) In order to ensure the implementation of the multiannual action plan in favour of Malaysia for 2025-2027, it is necessary to adopt a multiannual financing decision, which constitutes the multiannual work programme, for 2025-2027. Article 110(2) of Regulation (EU, Euratom) 2024/2509 ('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 Commission has adopted the National Multiannual Indicative Programme<sup>4</sup> for the period 2021-2027<sup>5</sup>, as amended following the mid-term review<sup>6</sup>, which sets out the following priorities: Connectivity; Human Development; the Green Deal.
- (4) The objectives pursued by the multiannual action plan to be financed under the Regulation (EU) 2021/947 geographic programme 'Asia and the Pacific' are to enhance the Union's partnership with Malaysia and to reinforce bilateral relations and policy dialogue, by promoting an increased alignment on human rights, gender equality, democracy, security, the environment, business and trade relations, while

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<sup>1</sup> OJ L 239, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>.

<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> C(2021)9050.

<sup>5</sup> Commission Implementing Decision adopting a multiannual indicative programme for Malaysia for the period 2021-2027, C(2021) 9050 final of 14.12.2021.

<sup>6</sup> Commission Implementing Decision amending country, multi-country and regional Multiannual Indicative Programmes 2021-2027 for Sub-Saharan Africa, Asia and the Pacific, Americas and the Caribbean and the Multiannual Indicative Programmes on Civil Society Organisations, Global Challenges and Human Rights and Democracy, C(2024)7502 final of 31.10.2024.

supporting climate change mitigation and the implementation of the 2030 agenda to better respond to global challenges and to build resilience in partners.

- (5) The action entitled ‘EU-Malaysia Cooperation Facility II’ aims to strengthen the EU-Malaysia partnership and policy dialogue, promote alignment on shared values and increase the visibility of the EU.
- (6) Pursuant to Article 62(1), point (c), of the Financial Regulation and Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (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 157(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 157(4) of the Financial Regulation<sup>7</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 157(5) thereof before a contribution agreement can be signed.
- (8) 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.
- (9) In order to allow for flexibility in the implementation of the action plan, it is appropriate to determine the changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (10) 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 multiannual financing decision, constituting the multiannual action plan for the implementation of the multiannual action plan in favour of Malaysia for 2025-2027, as set out in the Annex, is adopted.

The action plan shall include the following action: ‘EU-Malaysia Cooperation Facility II’.

#### *Article 2* *Union contribution*

The maximum Union contribution for the implementation of the programme for 2025-2027 is set at EUR 8 000 000, and shall be financed from the appropriations entered in budget line 14.020131 of the general budget of the Union.

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

The implementation of this Decision is subject to the availability of the appropriations:

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<sup>7</sup> Except for the cases referred to in Article 157(7) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

- (a) as provided for in the draft general budget of the Union for 2025, following the adoption of that budget by the budgetary authority or as provided for in the system of provisional twelfths;
- (b) as provided for in the general budget of the Union for 2026 and 2027 as adopted by the budgetary authority.

### *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 4.3.3 of the Annex.

### *Article 4*

#### *Flexibility clause*

Increases or decreases of up to EUR 10 000 000 and not exceeding 20% of the maximum Union contribution set in the first paragraph of Article 2, considering each financial year separately, or cumulated changes<sup>8</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, where 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, 11.12.2024

*For the Commission*

*Jozef SÍKELA*

*Member of the Commission*

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<sup>8</sup> These changes can come from assigned revenue made available after the adoption of the financing decision.