



Brussels, 24.7.2019
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COMMISSION DECISION

of 24.7.2019

**on the financing of the Annual Action Programme 2019 - part 1 in favour of the
Republic of Mozambique**

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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) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund², and repealing Regulation (EU) 2015/323, and in particular Article 24 thereof,

Whereas:

- (1) In order to ensure the implementation of the Annual Action Programme 2019 – part 1, 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 TFEU³.
- (3) The Commission has adopted the National Indicative Programme for the period 2014-2020⁴, which sets out the following priorities: Good Governance and Development and Rural Development.
- (4) The objectives pursued by the Annual Action Programme –2019 - part 1 to be financed under the 11th European Development Fund (EDF) Internal Agreement⁵ ("Internal Agreement") are to contribute to poverty eradication, sustainable and inclusive growth and consolidation of democracy, complemented by actions aiming at supporting or accompanying the programming, preparation or implementation of actions and strengthening the institutional capacities of the National Authorising Officer (NAO).

The action entitled "Support to Fight Corruption in Mozambique" foresees to prevent and fight corruption through the justice sector, which is a key player to ensure

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 307, 3.12.2018, 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 Commission Decision on the adoption of the National Indicative Programme between the European Union and Mozambique C(2015) 5996 of 28.08.2015.

⁵ 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.

effective anti-corruption law enforcement. The action will focus on the following components: i) *Strengthening judicial institutions* to prevent and fight corruption and bring corruption cases to justice; and ii) *Supporting justice professional associations, civil society and media involvement* in anti-corruption initiatives

- (5) The action entitled "Support Measures for Management of EU Resources II" aims to provide the National Authorising Officer (NAO) and the European Union (EU) with a flexible instrument to support the entire programming cycle identified in the framework of the EU-Mozambique cooperation. The action also aims to support the NAO's office to fully discharge its role in the management of EU resources by providing the right tools for coordination of development aid resources and their visibility. The main components of the action are: i) the Technical Cooperation Facility meant to provide flexibility in responding to different needs related to technical assistance, organisation of seminars/trainings/conferences and facilitation of policy dialogue, including at provincial level, and alignment and harmonisation between the partner country and the EU and other donors; ii) the Support to NAO component will provide technical support to the NAO in the identification, programming, implementation, communication, monitoring and audit/evaluations of EU programmes including the coordination of development assistance in general.
- (6) Pursuant to Article 15 of Regulation (EU) 2018/1877, 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 30(1) of Regulation (EU) 2018/1877.

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) 2018/1046⁶ 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.

To this end, the Commission in accordance with Article 154(6) of Regulation (EU, Euratom) 2018/1046 retains the financial management responsibilities laid down in point 5.4.1 of the Annexe.

- (8) 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 24(2) and Article 25 of Regulation (EU) 2018/1877.
- (9) 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 Regulation (EU, Euratom) 2018/1046.
- (10) The measures provided for in this Decision are in accordance with the opinion of the EDF Committee established under Article 8 of the Internal Agreement.

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

HAS DECIDED AS FOLLOWS:

Article 1
The programme

The financing decision, constituting the implementation of the Annual Action Programme – part 1 in favour of the Republic of Mozambique, as set out in the Annex, is adopted.

The programme shall include the following actions:

- (a) "Support to fight corruption in Mozambique" set out in Annex 1;
- (b) "Support Measures for Management of EU Resources II" set out in Annex 2.

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme is set at EUR 22 500 000 and shall be financed from the 11th European Development Fund.

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 points 5.4.1 of Annex 1 and Annex 2.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 000 00 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 24(2) of Regulation (EU) 2018/1877, provided that these changes 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 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, 24.7.2019

For the Commission
Neven MIMICA
Member of the Commission