



Brussels, 19.12.2022
C(2022) 9301 final

COMMISSION IMPLEMENTING DECISION

of 19.12.2022

**on the financing of the multiannual individual measure in favour of the European Fund
for Sustainable Development Plus (EFSD+) Technical Assistance 2022-2023**

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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) 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(3) and Article 43 thereof,

Whereas:

- (1) In order to ensure the implementation of the multiannual individual measure in favour of the European Fund for Sustainable Development Plus (EFSD+) Technical Assistance 2022-2023, it is necessary to adopt a multiannual financing decision, which constitutes the multiannual work programme, for 2022-2023. 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 actions provided for in this Decision contribute to climate and biodiversity mainstreaming in line with the European Green Deal and the inter-institutional agreement.
- (4) The Commission has adopted the Multiannual Indicative Programme for Sub-Saharan Africa⁴ for the period 2021-2027, which set out the following priorities: Foster sustainable and inclusive economic, environmental and social development, transition into sustainable value-added economy and a stable investment environment; Promote socio-economic and environmental resilience in partner countries with a particular

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 Decision C(2021) 9373 final

focus on the eradication of poverty; Contribute to: the reduction of socio-economic inequalities, sustainable and inclusive growth, climate change adaptation and mitigation, environmental protection and management, the creation of decent jobs as well as sustainable connectivity.

- (5) The Commission has adopted the Multiannual Indicative Programme for Asia and the Pacific for the period 2021-2027 which foresees the following priorities: regional integration and cooperation (addressed by sub-region as well as by a Pan-Asia component); pursuing EU interests with key partners; migration, forced displacement and mobility⁵.
- (6) The Commission has adopted the Multiannual Indicative Programme for Americas and the Caribbean for the period 2021-2027⁶, which foresees the following priorities: green transition; digital transformation and innovation; sustainable and inclusive economy; democratic governance, security and migration; as well as social cohesion and addressing inequalities. Human development and education will figure prominently in these main areas. The objective pursued by the multi annual measure to be financed under the Regulation (EU) 2021/947 NDICI-Global Europe, geographic programme 'Sub-Saharan Africa', 'Asia and the Pacific', 'Americas and the Caribbean', is to foster sustainable and inclusive economic, environmental and social development, and poverty reduction in partner countries, through investments in the following sectors: MSMEs; agriculture, biodiversity, forests; sustainable cities including sanitation and water sector; human development and sustainable finance.
- (7) The action entitled 'Technical Assistance to support the implementation of EFSD+ Guarantee Agreements' as set out in the Annex aims at facilitating deployment of EFSD+ budgetary guarantees that are used to *de-risk bankable projects with a developmental impact* and crowd-in additional financing. The Commission should acknowledge and accept contribution[s] from other donors in accordance with Article 21(2) of the Financial Regulation, subject to the conclusion of the relevant agreement. Where such contribution[s] are not denominated in euro, a reasonable estimate of conversion should be made.
- (8) The Commission should authorise the launch of a call for tender by means of a suspensive clause before the adoption of this Decision.
- (9) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (10) 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.
- (11) 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 Regulation⁷

⁵ C(2021)9251 final COMMISSION IMPLEMENTING DECISION adopting a multiannual indicative programme for the Asia Pacific region for the period 2021-2027

⁶ C(2021)9356 final COMMISSION IMPLEMENTING DECISION of 13.12.2021 adopting a multiannual indicative programme for the Americas and the Caribbean for the period 2021-2027

⁷ 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.

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

- (12) 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.
- (13) In accordance with Article 43 of Regulation (EU) 2021/947, the action is of global nature, fostering regional cooperation between Sub Saharan Africa, Asia and the Pacific and the Americas and the Caribbean. 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 upholding and promoting the Union's values, principles and fundamental interests worldwide, in order to pursue the objectives and principles of the Union's external action, as laid down in Article 3(5) and Articles 8 and 21 of the Treaty on European Union, thus contributing to inter alia sustainable development and eradication of poverty. NDICI-Global Europe programming has set out EFSD+ investment operations both in the form of guarantee and related Technical Assistance under Regional Multiannual Indicative Programmes. These cover three macro-regions – Sub-Saharan Africa, Latina America and the Caribbean, and Asia and the Pacific – including more than 100 countries where private and public beneficiaries are eligible for EFSD+ Technical Assistance. Due to the EFSD+'s nature and the importance to ensure complete regional coverage, the eligibility of the action extends exceptionally to Sub Saharan Africa, Asia and the Pacific, Americas and the Carribbean, as their participation constitutes a substantial element to ensure the coherence and effectiveness of Union financing and to foster trans-regional cooperation.
- (14) In order to allow for flexibility in the implementation of the measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (15) The measure provided for in this Decision is in accordance with the opinion of the NDICI-Global Europe Committee established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The multiannual financing decision, constituting the multiannual measure for the implementation of the multiannual individual measure in favour of the European Fund for Sustainable Development Plus (EFSD+) Technical Assistance 2022-2023, as set out in the Annex, is adopted.

The measure shall include the following action:

- Technical Assistance to support the implementation of EFSD+ Guarantee Agreements as set out in the Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2022-2023 is set at EUR 308 000 000, and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

For 2022:

- (a) budget line 14 02 01 30: EUR 33 615 000;
- (b) budget line 14 02 01 31: EUR 38 961 000;
- (c) budget line 14 02 01 32: EUR 8 424 000;
- (d) budget line 14 02 01 40: EUR 20 638 800;
- (e) budget line 14 02 01 41: EUR 6 361 200.

For 2023:

- (a) budget line 14 02 01 20: EUR 70 000 000;
- (b) budget line 14 02 01 21: EUR 70 000 000;
- (c) budget line 14 02 01 22: EUR 60 000 000.

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 provided for in the general budget of the Union for 2023 following the adoption of that budget by the budget 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 of the Annex.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 000 000 and not exceeding 20% of the contribution set in the first paragraph of Article 2, considering each financial year separately, or cumulated changes⁸ 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, 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.

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

Article 5
Procurement

Launching a call for tender before the adoption of this Decision shall be authorised as of the date set out in point 4.3.1 of the Annex.

Done at Brussels, 19.12.2022

For the Commission
Jutta URPIAINEN
Member of the Commission