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COMMISSION IMPLEMENTING DECISION

of 3.8.2022

on the financing of the annual action plan in favour of the Republic of Malawi for 2022

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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(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan in favour of the Republic of Malawi for 2022, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2022. 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 National Multiannual Indicative Programme for the period 2021-2027⁴, which sets out the following priorities: supporting a green and resilient economic transformation, in view of creating decent jobs, based on sound economic and democratic governance systems.
- (5) The objectives pursued by the annual action plan, to be financed under Regulation (EU) 2021/947, geographic programme 'Sub-Saharan Africa', are to support the modernisation and industrialisation of the Malawian economy, advancing its energy

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 Commission Decision adopting the Multiannual Indicative Programme for the Republic of Malawi for the period 2021-2027, C(2021)9116 of 21 December 2021.

sector and transforming its food systems, in a context of enhanced democratic governance and delivery of justice.

- (6) The action entitled ‘Malawi Energy Programme - Wala Malawi’ aims at enhancing the governance of the energy sector of Malawi, to improve the access to energy and to increase the productive use of renewable energy.
- (7) The action entitled ‘Greening and Growing Malawi - Ulimi ndi Chilengedwe m’Malawi (UCHI)’ aims at restoring the natural resource base, developing agricultural value chains while improving nutrition levels and strengthening decision-making in the sector.
- (8) The action entitled ‘Malawi Democratic Governance Programme - Boma Lathu (Our Government)’ intends to strengthen civil registration services, participation levels in democratic processes and enhance credible and transparent management of electoral processes.
- (9) The action entitled ‘Access to Justice Programme - Chilungamo II’ aims at improving humane and effective delivery of justice for all, especially for those living in marginalised and vulnerable situations.
- (10) The action entitled ‘Malawi Cooperation Facility’ is designed to allow strengthening the strategic partnership with Malawi, ensuring effective delivery of EU interventions, policy coherence and aid effectiveness, coupled with strategic communication.
- (11) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (12) The Commission should authorise the launch of a call for proposals and for tenders by means of a suspensive clause before the adoption of this Decision.
- (13) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (14) 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.

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 Regulation⁵ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.

To this end, the Commission in accordance with Article 154(6) of the Financial Regulation retains the financial management responsibilities laid down in point 4.4.3 of Annex 4.

- (15) 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.
- (16) In order to allow for flexibility in the implementation of the action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.

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

- (17) 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 annual financing decision, constituting the annual action plan for the implementation of annual action plan in favour of the Republic of Malawi for 2022, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) Malawi Energy Programme - Wala Malawi, set out in Annex 1;
- (b) Greening and Growing Malawi - Ulimi ndi Chilengedwe m'Malawi (UCHI), set out in Annex 2;
- (c) Malawi Democratic Governance Programme - Boma Lathu (Our Government), set out in Annex 3;
- (d) Access to Justice Programme - Chilungamo II, set out in Annex 4;
- (e) Malawi Cooperation Facility, set out in Annex 5.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2022 is set at EUR 110 000 000, and shall be financed from the appropriations entered in in the budget line BGUE-B2022-14.020122-C1 of the general budget of the Union.

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 point 4.4 of Annex 1, 2, 3, 4 and 5.

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, or cumulated changes⁶ 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.

⁶ These changes can come from assigned revenue made available after the adoption of the financing decision.

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.

Article 5

Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annexes. Grants may be awarded to the bodies selected in accordance with point 4.4 of Annex 1, 3 and 5.

Launching a call for proposals and for tenders under a suspensive clause before the adoption of this Decision shall be authorised as of the date set out in point 4.4 of Annex 1, 2, 3 and 5.

Done at Brussels, 3.8.2022

For the Commission

Jutta URPILAINEN

Member of the Commission