



Brussels, 8.12.2022
C(2022) 9330 final

COMMISSION IMPLEMENTING DECISION

of 8.12.2022

on the financing of the annual action plan in favour of the “Neighbourhood Investment Platform (NIP) for the Southern Neighbourhood - 2022”

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU, Euratom) 2018/1046¹ 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 966/2012, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947² 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, and in particular Article 23(2), and Article 31 thereof,

Whereas:

- (1) In order to ensure the implementation of the Annual Action Plan in favour of the NDICI “Neighbourhood Investment Platform (NIP) for the Southern Neighbourhood – 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 should 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 Deal⁴ and the inter-institutional agreement.
- (4) The Commission has adopted the “Multiannual Indicative Programme 2021-2027 for the Southern Neighbourhood⁵”, which sets out the following priorities: priority 2

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 209, 14.6.2021, p.1.

³ www.sanctionsmap.eu Please 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 between the published legal acts and the updates on the website it is the OJ version that prevails.

⁴ COM(2019)640 final of 11.12.2019

⁵ Commission Implementing Decision adopting a multiannual indicative programme for the Southern Neighbourhood Region for the period 2021-2027 C(2021) 9399 of 16.12.2021

“Resilience, Prosperity and the Digital Transition” and priority 4 “Green Transition”, that include support to investment and make reference to the NIP.

- (5) The objectives pursued by the annual action plan to be financed under the Neighbourhood geographic programme of Regulation (EU) 2021/947 should, through the NIP and through budgetary guarantees provisioned under this decision, contribute to achieving the Sustainable Development Goals (SDGs), creating sustainable jobs and infrastructures, and addressing some root causes of migration.
- (6) In the duly justified case of extended geographic scope of an action of a global, trans-regional or regional nature, and in accordance with Article 43 of Regulation (EU) No 2021/947, the action is of a global, trans-regional or regional nature, fostering regional cooperation with Algeria, Egypt, Israel⁶, Jordan, Lebanon, Libya, Morocco, Palestine⁷, Syria⁸, and Tunisia. The action’s objectives and design fulfils 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 2030. Due to the action’s nature and the importance to ensure complete regional coverage, the eligibility of the action extends exceptionally to Sub-Saharan Africa⁹ and Gulf and Red Sea countries¹⁰, as their participation constitutes a substantial element to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation.
- (7) In order to ensure the implementation of budgetary guarantees of the European Fund for Sustainable Development Plus (EFSD+), eligible under the Neighbourhood, Development and International Cooperation Instrument – Global Europe, it is appropriate to provision the EFSD+ compartments of the Common Provisioning Fund with contributions in 2022 from the general budget of the Union. From the 2022 provisioning contribution for the Southern Neighbourhood to the EFSD+ compartment, EUR 20 000 000 will meet the provisioning needs related to the Special measure in favour of contributing to the availability and equitable access to COVID-19 vaccines in low and lower-middle income countries through the COVAX Facility for 2021¹¹.
- (8) In order to ensure the implementation of the External Lending Mandate, established by Decision No 466/2014/EU of the European Parliament and of the Council of 16 April 2014 granting an EU guarantee to the European Investment Bank against losses under

⁶ Assistance to be provided in line with the guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes, and financial instruments funded by the EU from 2014 onwards.

⁷ This designation shall not be construed as a recognition of the State of Palestine, and is without prejudice to the individual positions of the Member States on this issue.

⁸ Cooperation with Syria is suspended since 2013.

⁹ Angola, Benin, Botswana, Burkina Faso, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Kenya, Liberia, Madagascar, Malawi, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao-Tome-and-Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, Uganda, Zambia, Zimbabwe.

¹⁰ Iran, Iraq, Yemen

¹¹ Part of the EUR 100 000 000 provisioning contribution authorised by the Commission Implementing Decision C(2021) 6793 final has been de-committed and will be partly replaced by the 2022 contribution from the Neighbourhood envelope.

financing operations supporting investment projects outside the Union¹², prolonged until the end of 2022 in line with Article 49 of Regulation (EU) No 2021/947, it is appropriate to provision the Guarantee Fund for External Action compartment of the Common Provisioning Fund with a contribution in 2022 from the general budget of the Union.

- (9) Pursuant to Article 26(1) of Regulation (EU) 2021/947 and Article 62(1)(c) of the Financial Regulation, indirect management is to be used for the implementation of the action plan.
- (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 Regulation 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 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.
- (14) 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 work programme for the implementation of the “Annual Action Programme “Neighbourhood Investment Platform (NIP) for 2022 in favour of the Neighbourhood South”, as set out in the annex, and the provisioning for budgetary guarantees in the Neighbourhood South region in the compartments of the Common Provisioning Fund for the European Fund for Sustainable Development Plus, for the post-2020 macro-financial assistance and for the Guarantee Fund for External Action, is adopted.

The action plan shall include the following actions:

Annex I: Action Document for the “Neighbourhood Investment Platform (NIP) for 2022 in favour of the Southern Neighbourhood”.

¹² OJ L 135, 8.5.2014, p. 1.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2022 is set at EUR 180 000 658.00, and shall be financed from the appropriations entered in the budget line 14.02.01.10 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
Provisioning for budgetary guarantees

The maximum Union contribution for the provisioning of the Common Provisioning Fund for 2022 is set at EUR 261,928,408.54 and shall be financed from the appropriations entered in the following sub-headings of budget line 14.020170 “NDICI - Global Europe – Provisioning of the Common Provisioning Fund” of the General Budget:

- Budget line 14.020170.01: EUR 92 047 731.60: EFSD+ compartment, including EUR 20 000 000.00 in favour of contributing to the availability and equitable access to COVID-19 vaccines in low and lower-middle income countries through the COVAX Facility for 2021¹³ ;
- Budget line 14.020170.05: EUR 169 880 676.94: ELM legacy in GFEA compartment.

Article 4
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 4.3.1 of the Annex.

Article 5
Flexibility clause

Increases¹⁴ or decreases of up to EUR 10 million and 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 within the meaning of Article 110(5) of the Financial Regulation, provided that these changes do not significantly affect the nature and objectives of the actions.

¹³ C(2021) 6793 final

¹⁴ These changes can come from external 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 acting in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 8.12.2022

For the Commission
Olivér VÁRHELYI
Member of the Commission