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COMMISSION IMPLEMENTING DECISION

of 4.8.2022

**on the 2021 Individual Measure on the Neighbourhood Investment Platform (NIP) in
favour of the Southern Neighbourhood**

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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) 2018/1046 of the European Parliament and 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 and amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009²

(hereafter referred to as ‘Neighbourhood, Development and International Cooperation Instrument – Global Europe’)³, and in particular Article 23, and Article 43 thereof,

Whereas:

- (1) In order to ensure the implementation of the Individual Measure for 2021 through the Neighbourhood Investment Platform (NIP), it is necessary to adopt an annual Financing Decision, which constitutes the annual work programme for 2021. Article 110 of Regulation (EU, Euratom) 2018/1046 (‘the Financial Regulation’) establishes detailed rules on financing decisions.
- (2) The envisaged assistance is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU⁴.
- (3) The Commission has adopted the “Multiannual Indicative Programme 2021-2027 for the Southern Neighbourhood⁵”, which sets out the following priorities: priority 2 “Resilience, Prosperity and the Digital Transition” and priority 4 “Green Transition”, that include support to investment and make reference to the NIP.
- (4) The objectives pursued by the Individual Measure for 2021 to be financed under Regulation (EU) 2021/947 geographic programmes Neighbourhood South through the

¹ OJ L 193, 30.07.2018, p. 1.

² OJ L 209, 14.6/2021, p1.

³ OJ L 209, 14.6.2021, p.1.

⁴ 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.

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

NIP and through budgetary guarantees provisioned under this decision are to contribute to achieving the Sustainable Development Goals (SDGs), creating sustainable jobs and infrastructures, and addressing some root causes of migration in the Southern Neighbourhood. To achieve this objective, vital capital investments must be made to rehabilitate, modernise or build essential infrastructures needed for safe and efficient transport of goods and people; secure production; safe production, transport and consumption of energy; effective environmental protection (in particular to ensure the quality of air, water and soil); sustainable waste management; and climate change-related issues. In addition, capital is needed for the provision of basic social services such as health and education; as well as the development of the private sector, in particular micro, small, and medium size enterprises (MSMEs).

- (5) The Individual Measure entitled ‘Neighbourhood Investment Platform (NIP) – 2021 South’ will prioritise projects that significantly contribute to achieving the Union’s policy in the Southern Neighbourhood. It will contribute to spur long term socio-economic recovery and to strengthen resilience, to support the green and digital transition by investment; and to develop employment opportunities, in particular for the youth and women. It will be used to mobilise funding for the response to the COVID-19 pandemic in the Neighbourhood South following a Team Europe approach.
- (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 of 9 June 2021, 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) No 2021/946 of June 2021, contributing to the sustainable development of partner countries, and the implementation of the 2030 agenda. 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 2021 from the general budget of the Union.

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

- (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 financing operations supporting investment projects outside the Union¹¹, 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 2021 from the general budget of the Union.
- (9) Pursuant to Article 26(1) of Regulation (EU) No 2021/947, indirect management is to be used for the implementation of the measure.
- (10) The Commission is to ensure a level of protection of the financial interests of the Union with regard to entities and persons entrusted with the implementation of Union funds by indirect management as provided in Article 154(3) of the Financial Regulation. To this end, such entities and persons are subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation¹² and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (11) It is necessary to allow for the payment for interest due for late payment on the basis of Article 116(5) of the Financial Regulation.
- (12) 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 the Financial Regulation.
- (13) The action plan provided for in this Decision are in accordance with the opinion of the Neighbourhood, Development and International Cooperation Instrument Committee, established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

Article 1

The measure

The annual financing decision for the implementation of the individual measure on the Neighbourhood Investment Platform (NIP) 2021, 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 programme shall include the following action:

- Annex: “Action Document for the 2021 Individual Measure on the Neighbourhood Investment Platform (NIP) in favour of the Neighbourhood South.

Article 2

¹¹ OJ L 135, 8.5.2014, p. 1.

¹² 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.

Union contribution

The maximum Union contribution for the implementation of the measure is set at EUR 185,000,000.00, 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 interests due for late payment.

Article 3

Provisioning for budgetary guarantees

The maximum Union contribution for the provisioning of the Common Provisioning Fund for 2021 is set at EUR 281,965,501.00 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 263,768,000.00: EFSD+ compartment.
- Budget line 14.020170.05: EUR 18,197,501.00: ELM legacy in GFEA compartment.

Article 4

Methods of implementation and entrusted entities or persons

The implementation of the action 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

Increases 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 changes¹³ 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, 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, 4.8.2022

For the Commission

Adina-Ioana VĂLEAN

Member of the Commission

¹³ These changes can come from assigned revenue made available after the adoption of the financing decision.