



Brussels, 15.9.2017
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COMMISSION IMPLEMENTING DECISION

of 15.9.2017

**on the Annual Action Programme 2017 for the Pan-African Programme to be financed
from the general budget of the European Union**

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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) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, and in particular Article 84(2) thereof,

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action, and in particular Article 2(1) thereof,

Whereas:

- (1) The Commission has adopted the Multiannual Indicative Programme for the Pan-African Programme for the period 2014-2017¹, which prioritises Peace and Security; Democracy, Good Governance and Human Rights; Human Development; Sustainable and inclusive development and growth and continental integration; Global and cross-cutting issues.
- (2) The objectives pursued by the annual action programme to be financed under the Development Cooperation Instrument² are to (i) contribute to increasing intra-African trade, trade between Africa and Europe, and between Africa and the rest of the world; (ii) contribute to achieving sustainable legal capacity for Africa; (iii) improve aviation safety in Africa; (iv) foster universally accessible and affordable broadband across the continent to unlock future benefits of internet based services.
- (3) The action entitled "Classifying goods for African trade" has the objective to facilitate trade through sustainable customs reform and modernisation support. This action may be implemented in indirect management through a delegation agreement with the World Customs Organisation.
- (4) The action entitled "EU contribution to the African Legal Support Facility" has the objective to enhance legal capacity in Africa both in contracting and litigation, in particular in the area of extractive industries and related infrastructure. This action may be implemented in indirect management through a delegation agreement with the African Development Bank or, alternatively, with German Kreditanstalt für Wiederaufbau (KfW) Development Bank.

¹ Commission Implementing Decision C(2014)5375 of 30.7.2014 final adopting a Multiannual Indicative Programme for the Pan-African programme for the period 2014-2017.

² Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020 (OJ L 77, 15.3.2014, p. 44).

- (5) The action entitled "EU-Africa Safety in Aviation" has the objective to assist African States to meet their obligations under the Chicago Convention to establish an effective aviation safety oversight system. This action may be implemented in indirect management through a delegation agreement with the European Aviation Safety Agency.
- (6) The action entitled "Policy and Regulation Initiative for Digital Africa (PRIDA)" has the objective to create a more harmonized and enabling legal and regulatory framework for the use of Information and communication technology (ICT) for social and economic development, with an emphasis on boosting the spectrum market across Africa. This action may be implemented in indirect management through a delegation agreement with the International Telecommunications Union, and in direct management through the procurement of services.
- (7) It is necessary to adopt a financing decision the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012³.
- (8) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in Annexes 1, 2, 3 and 4 to this Decision, subject to the conclusion of delegation agreements. In accordance with Article 60(1)(c) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that these entities guarantee a level of protection of the financial interests of the European Union equivalent to that required when the Commission manages European Union funds. These entities comply with the conditions set out in points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary.
- (9) It is necessary to allow for the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.
- (10) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, any substantial change to a financing decision that has already been adopted should follow the same procedure as the initial decision. It is therefore appropriate that the Commission defines the changes to this Decision that are considered non-substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Development Cooperation Instrument Committee established under Article 19 of Regulation (EU) No 233/2014.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the programme

The Annual Action Programme 2017 for the Pan-African Programme to be financed from the general budget of the European Union, as set out in the Annexes, is adopted.

The programme shall include the following actions:

- Annex 1: Classifying goods for African trade;

³ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

- Annex 2: EU contribution to the African Legal Support Facility;
- Annex 3: EU-Africa Safety in Aviation;
- Annex 4: Policy and Regulation Initiative for Digital Africa (PRIDA).

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the programme referred to in Article 1 is set at EUR 22 500 000 and shall be financed for an amount of EUR 20 700 000 from budget line 21 02 09 of the general budget of the European Union for 2017 and for an amount of EUR 1 800 000 from budget line 21 02 09 of the general budget of the European Union for 2018.

The financial contribution 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 draft budget for 2018 following the adoption of that budget by the budgetary authority or as provided for in the system of provisional twelfths.

Article 3

Methods of implementation

Budget-implementation tasks under indirect management may be entrusted to the entities identified in the Annexes 1, 2, 3 and 4, subject to the conclusion of the relevant agreements.

The elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012 are set out in the Annexes to this Decision.

Article 4

Non-substantial changes

Increases or decreases of up to EUR 10 000 000 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 94(4) of Delegated Regulation (EU) No 1268/2012 provided that they do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 15.9.2017

For the Commission
Neven MIMICA
Member of the Commission