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**COMMISSION IMPLEMENTING DECISION**

**of 14.8.2023**

**on an exceptional assistance measure regarding Nigeria**

# COMMISSION IMPLEMENTING DECISION

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## on an exceptional assistance measure regarding Nigeria

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 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<sup>1</sup>, 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 480/2009<sup>2</sup>, and in particular Article 23(6) thereof,

Whereas:

- (1) In the Niger Delta, insecurity fuelled by lucrative oil theft and related practices of artisanal oil refining has reached a level where it has profound implications for human security and stability in the region, accentuating socio-economic inequalities and exclusion within local communities, and negatively affecting formal oil production and hence the economy of Nigeria. In the first half of 2022 alone, Nigeria lost over \$10 billion in potential revenue to oil theft and Nigerian crude oil production reached a 32-year low in September 2022 as insecurity forced companies to cut production levels. In the current context of global energy shortage, precipitated by Russia's war of aggression against Ukraine, addressing the insecurity around oil theft in the Niger Delta has become even more urgent for Nigeria and beyond. Accordingly, the crisis level of oil theft and related practice of artisanal oil refining reached in Niger Delta, the subsequent rise in organised crime, including piracy, drug trafficking, and arms proliferation as well as environmental degradation constitute an exceptional and unforeseen situation which makes it necessary to adopt an exceptional assistance measure regarding Nigeria.
- (2) In order to ensure the implementation of the measure, it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.

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<sup>1</sup> OJ L 193, 30.7.2018, p. 1.

<sup>2</sup> OJ L 209, 14.6.2021, p. 1.

- (3) The planned assistance is to comply with the conditions and procedures set out by the restrictive measures<sup>3</sup> adopted pursuant to Article 215 TFEU.
- (4) The objective of the measure set out in this Decision is to address key drivers of violence and insecurity in Bayelsa, Rivers and Delta State of the Niger Delta region in order to remedy exceptional and unforeseen situations as referred to in Article 4(4)(a) of Regulation (EU) 2021/947.
- (5) In accordance with points (a), (g) and (o) of Annex IV, paragraph 1, second paragraph of Regulation (EU) 2021/947, the activities set out in this Decision will strengthen collaboration between communities, government authorities and security actors, as well as the private sector, to address security issues at the community level in the Niger Delta and moreover support engagement with government authorities, including at high level, to open spaces for dialogue and collaboration between government and civil society actors, to prevent insecurity caused by criminality and violence in the Niger Delta region.
- (6) The effectiveness of the Union response to the situation referred to in recital (1) depends on the rapid and flexible implementation of an exceptional assistance measure of limited duration in accordance with Article 23(6) of Regulation (EU) 2021/947.
- (7) The measure provided for in this Decision is complementary to assistance provided under other Union short-term or long-term external assistance instruments. No fully adequate response can be provided under those instruments to the specific needs being addressed. Therefore, an effective response is required to enable early action in accordance with Article 4(4) of Regulation (EU) 2021/947.
- (8) The measure provided for in this Decision is consistent with the Union strategic policy framework for Nigeria. Synergies and complementarities are expected with other Union interventions, as detailed in point 7 of the Annex.
- (9) In order to address key drivers of violence and insecurity in Bayelsa, Rivers and Delta State of the Niger Delta region, it is necessary to use indirect management for the implementation of the measure.
- (10) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (11) 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.
- (12) In order to allow for flexibility in the implementation of the measure, it is appropriate to define changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (13) The European Parliament and the Council have been informed of the exceptional assistance measure to be adopted by this Decision, in accordance with Article 25(3) of Regulation (EU) 2021/947.

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<sup>3</sup> [www.sanctionsmap.eu](http://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.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The measure*

The financing decision for the implementation of the exceptional assistance measure regarding Nigeria, for 2023, as set out in the Annex, is adopted.

The measure shall include the following action:

- (a) Addressing insecurity in the Niger Delta, set out in the Annex.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the measure for 2023 is set at EUR 6 500 000, and shall be financed from the appropriations entered in the budget line 14 02 03 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*  
*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 6 of that Annex.

*Article 4*  
*Grants*

Grants may be awarded without a call for proposals in accordance with the conditions set out in point 6 of the Annex. Grants may be awarded to the body/bodies selected in accordance with point 6 of the Annex.

*Article 5*  
*Duration of the measure*

The maximum duration of the exceptional assistance measure adopted under this Decision shall be maximum 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 23(6) of Regulation (EU) 2021/947.

If the implementation of this measure or any of its components is suspended owing to ‘force majeure’ or circumstances beyond the control of the contracting authority and its implementing partner(s), the period of suspension shall not be taken into account for the calculation of the duration of the implementation of this measure.

*Article 6*  
*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 changes<sup>4</sup> 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.

Done at Brussels, 14.8.2023

*For the Commission*  
*Josep BORRELL FONTELLES*  
*High Representative / Vice-President*

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<sup>4</sup> These changes can come from assigned revenue made available after the adoption of the financing decision.