



Brussels, 13.4.2022
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COMMISSION IMPLEMENTING DECISION

of 13.4.2022

**on the financing of the individual measure for EU foreign policy needs on Enhanced
Maritime action in the Gulf of Guinea for 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) 2018/1046 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(3) and (5) thereof,

Whereas:

- (1) In order to ensure the implementation of ‘EU foreign policy needs on Enhanced Maritime action in the Gulf of Guinea’, it is necessary to adopt a financing decision, which constitutes the 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 objectives pursued by the measure to be financed under the Regulation (EU) 2021/947 are to strengthen the cohesion of the EU’s efforts in enhancing maritime security and economic prosperity in the Gulf of Guinea.
- (4) The individual measure aims to implement a rapid response action, pursuant to Article 23(5) of Regulation (EU) 2021/947, and is justified by the imperative foreign policy interest to support the EU’s political engagement with partners on maritime security and the synergy and coherence of EU, EU Member States and non-EU actions in the Gulf of Guinea. Its objectives require a rapid reaction and cannot be addressed by other means.
- (5) The action entitled ‘EU foreign policy needs on Enhanced Maritime action in the Gulf of Guinea’ aims to strengthen the cohesion of the EU’s efforts in enhancing maritime

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.

security and economic prosperity in the Gulf of Guinea, through providing technical assistance to operational centres of champion countries and the Yaoundé Architecture; and increasing regional awareness about the EU's objectives and actions in support of maritime security.

- (6) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the action.
- (7) 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.
- (8) 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 Regulation⁴ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (9) 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.
- (10) In order to allow for flexibility in the implementation of the measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (11) The measure provided for in this Decision does not fall within the categories of measures for which the prior opinion of the Committee established under Article 45 of Regulation (EU) 2021/947 is required. The European Parliament and the aforementioned Committee should be informed of this Decision within one month following its adoption.

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The financing decision, constituting the work programme for the implementation of the individual measure for EU foreign policy needs on Enhanced Maritime action in the Gulf of Guinea, as set out in the Annex, is adopted.

The measure shall include the following action: 'Enhanced Maritime action in the Gulf of Guinea'.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2022 is set at EUR 4 990 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union: 14 02 03 30 – Foreign Policy Needs of the general budget of the Union.

The appropriations provided for in the first paragraph may also cover interest due for late payment.

⁴ Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an ex-ante assessment.

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 4.2.3 of the Annex.

Article 4

Flexibility clause

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes⁵ 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, 13.4.2022

For the Commission

Josep BORRELL FONTELLES

Vice-President

⁵ These changes can come from assigned revenue made available after the adoption of the financing decision.