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NOTE

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: 6168/18

Subject: Amendment No 2 to the 2017-2018 Action Programme of the African Peace Facility

1. On 21 February 2018, the Permanent Representatives Committee approved Amendment No 2 to the 2017-2018 Action Programme of the African Peace Facility (APF).
2. In line with Article 15(b) of Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund, Amendment No 2 to the Action Programme annexed to this note can now be adopted by the Commission.

2017-2018 Action Programme of the African Peace Facility

Amendment No. 2

INFORMATION FOR POTENTIAL GRANT APPLICANTS**WORK PROGRAMME FOR GRANTS**

This document constitutes the work programme for grants in the sense of Article 128(1) of the Financial Regulation (Regulation (EU, Euratom) No 966/2012), applicable to the EDF by virtue of Article 37 of the Regulation (EU) No 323/2015 in the following sections concerning calls for proposals: section 5.4.1 “Grants – direct award (direct management)”.

1. Title/basic act/ CRIS number	2017-2018 action programme of the African Peace Facility (APF) CRIS number: FED/2017/039-433	
2. Zone benefiting from the action/location	African continent	
3. Programming document	2017-2018 Action Programme of the African Peace Facility	
4. Sector of concentration/ thematic area	Peace and Security	DEV. Aid: ¹ Yes (results 1 and 2)

¹ Official Development Aid is administered with the promotion of the economic development and welfare of developing countries as its main objective.

<p>5. Amounts concerned</p>	<p>Total estimated cost: EUR 535 600 000</p> <p>Total EDF contribution: EUR 535 600 000</p> <p>The Commission will be entrusted with the responsibility of managing the contribution for an amount of EUR 600 000 transferred by the Grand Duchy of Luxembourg after the signature of the corresponding transfer agreement, in accordance with the procedures applicable to the expenditure of the European Union, in particular EDF.</p> <p>The APF is open to contributions from other donors and international partners that will be managed in line with the 11th EDF Implementation and Financial Regulations.</p>
<p>6. Aid modality(ies) and implementation modality(ies)</p>	<p>Project Modality</p> <p>Project Modality</p> <p>Direct Management (grants and procurement of services) with African Regional Economic Communities and services contractors</p> <p>Indirect management with the African Union Commission (AUC) and/or African Regional Economic Communities and Regional Mechanisms (RECs/RMs) having passed the pillar assessment.</p> <p>Indirect management with Expertise France</p> <p>Indirect management with the United Nations Secretariat and the Office of the United Nations High Commissioner for Human Rights (OHCHR)</p>
<p>7 a) DAC code(s)</p>	<p>15230</p>
<p>b) Main Delivery Channel</p>	<p>Multilateral Organisations – 40000</p>

8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	x	<input type="checkbox"/>
	Aid to environment	x	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	x	<input type="checkbox"/>	<input type="checkbox"/>
	Trade Development	x	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	x	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	x	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>
	9. Global Public Goods and Challenges (GPGC) thematic flagships	N/A		
10. Sustainable Development Goals (SDGs)	SDG 16: Promote just, peaceful and inclusive societies			

SUMMARY

The last paragraph of the summary is modified as follows.

The programme will be implemented primarily through indirect management with the African Union, and through grant or indirect management agreements with RECs/RMs, with Member States' agencies, with the United Nations Secretariat, and with the Office of the United Nations High Commissioner for Human Rights (OHCHR). Service contracts will be procured for technical assistance, audit and evaluation. An administrative arrangement with the JRC is also foreseen to provide further technical support to the AUC in the area of a continent wide conflict early warning system.

1 CONTEXT

1.1. Sector/Country/Regional context/Thematic area

This sub-point remains unchanged.

1.1.1. Public Policy Assessment and EU Policy Framework

This sub-point remains unchanged.

1.1.2 Stakeholder analysis

The last paragraph of this sub-point is modified as follows.

The UN is also a key stakeholder in the area of peace and security in Africa, both as a global body implementing its own peace keeping operations, and as an important contributor to AU's PSO' and budget in the area of peace and security. There are strong linkages between AU and UN operations, with UN missions often taking over from AU ones. Peace operations funded by the APF are consistent with UN principles and objectives, and Security Council mandates.

With specific regards to the support to the G5 Sahel Joint Force (G5S JF), the UN Secretary General has been tasked by the UNSC Resolution 2391 to take appropriate steps to conclude a "technical agreement" [arrangement] between the United Nations, the European Union and the G5 Sahel states with a view to providing the operational and logistical support specified in SCR 2391 through MINUSMA to the G5S JF, on the terms and conditions set out in SCR 2391. The UN Secretariat, through its different offices and departments, has been the leading organ negotiating the "technical agreement" [arrangement] with the European Union and the G5 Sahel states. The UN Secretariat would also be the contractual authority with which a contractual arrangement is expected to be signed to cover the costs incurred by MINUSMA for its logistical and operational support to the G5S JF. A separate contractual arrangement is expected to be signed with the Office of the UN High Commissioner for Human Rights (OHCHR) to cover the costs incurred by for the establishment and implementation of the UN Human Rights and International Humanitarian Law compliance framework for the operations of the G5S JF.

1.1.3. Priority areas for support/problem analysis

This sub-point remains unchanged.

2 RISKS AND ASSUMPTIONS

This point remains unchanged.

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

This point remains unchanged.

4 DESCRIPTION OF THE ACTION

This point remains unchanged.

5 IMPLEMENTATION

5.1 Financing agreement

This sub-point remains unchanged.

5.2 Indicative implementation period

This sub-point remains unchanged.

5.3 Implementation of the budget support component

This sub-point remains unchanged.

5.4 Implementation modalities

Sub-point 5.4.5 is added as follows.

5.4.5. Indirect management with an international organisation

5.4.5.1 Indirect management with the United Nations Secretariat

Parts of this action programme may be implemented in indirect management with the United Nations Secretariat in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 17 of Regulation (EU) 2015/323.

This implementation entails logistical and operational support to the G5 Sahel Joint Force through the United Nations Secretariat.

The following international organisation can be entrusted with indirect management:

- United Nations Secretariat

The abovementioned international organisation will act as the contracting authority for the procurement and grant procedures.

Delegation agreements will be signed with the abovementioned international organisation.

For support to new peace support operations, the elements required by Article 84(3) second subparagraph of Regulation (EU, Euratom) 966/2012 applicable in accordance with Article 26 of Regulation (EU) 2015/323 will be specified in an additional Commission decision (see Annex I, section 1).

For interventions under this action programme, the contract management cycle is delegated to the entrusted entity.

The responsible authorising officer will ensure that this entity complies with the conditions of points (a) to (d) of the second subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 17 of Regulation (EU) 2015/323. Where it complies with those requirements only in part, the Commission will take appropriate remedial measures to supervise and support the implementation of the tasks entrusted to it.

If negotiations with the above-mentioned entrusted entity fail, that part of this action may be implemented in direct management in accordance with the implementation modalities identified in section 5.4.5.3.

5.4.5.2 Indirect management with the Office of the United Nations High Commissioner for Human Rights (OHCHR)

Parts of this action programme may be implemented in indirect management with the OHCHR in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Articles 2(1) and 17 of Regulation (EU) 2015/323.

This implementation entails support to the human rights and international humanitarian law (HR/IHL) compliance framework for the operations of the G5S JF by the OHCHR as per UNSC Resolution 2391.

The following international organisation can be entrusted with indirect management:

- OHCHR

The abovementioned international organisation will act as the contracting authority for the procurement and grant procedures.

Delegation agreements will be signed with the abovementioned international organisation.

For support to new peace support operations, the elements required by Article 84(3) second subparagraph of Regulation (EU, Euratom) 966/2012 applicable in accordance with Article 26 of Regulation (EU) 2015/323 will be specified in an additional Commission decision (see Annex I, section 1).

For interventions under this action programme, the contract management cycle is delegated to the entrusted entity.

The responsible authorising officer will ensure that this entity complies with the conditions of points (a) to (d) of the second subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 17 of Regulation (EU) 2015/323. Where it complies with those requirements only in part, the Commission will take appropriate remedial measures to supervise and support the implementation of the tasks entrusted to it.

If negotiations with the above-mentioned entrusted entity fail, that part of this action may be implemented in direct management in accordance with the implementation modalities identified in section 5.4.5.3.

5.4.5.3 Changes from indirect to direct management mode due to exceptional circumstances

Grant: direct award (direct management)

(a) Objectives of the grant, fields of intervention, priorities of the year and expected results

To promote peace and security in Africa through early and effective deployment of African troops by RECs/RMs or sub-regional organisations carrying out a peace and security operation with an AU PSC mandate in full respect of human rights and international humanitarian law.

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because of the particular characteristics of peace and security actions².

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the United Nations Secretariat.

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because it entails the provision of logistical and operational support to the G5S JF by MINUSMA, the United Nations peacekeeping operation in Mali under the authority of the Department of Peacekeeping Operations, a department of the United Nations Secretariat.

² Article 128.1 of the Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because of the work initiated by the OHCHR with the G5S JF to set up a framework and mechanism to prevent and address human rights and international humanitarian law violations and abuses as per UNSC Resolution 2391.

(c) Essential selection and award criteria

The essential selection criteria are the financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 100%.

In accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 37 of (EU) regulation 2015/323 if full funding is essential for the action to be carried out, the maximum possible rate of co-financing may be increased up to 100%. The essentiality of full funding will be justified by the Commission's authorising officer responsible in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to conclude the grant agreement

Grants will be awarded in order to implement or support Peace Support Operations. The need for a Peace Support Operation is by nature not foreseeable.

5.5 Scope of geographical eligibility for procurement and grants

- *This sub-point remains unchanged.*

5.6 Indicative budget

The total EDF financial contribution for the period 2017-2018 is EUR 535 600 000.

Given the limited availability of EDF funds for the APF at the time of the approval of the initial decision in April 2017, only EUR 430 000 000 were initially committed – EUR 220 000 000 from funds decommitted from projects under the 10th EDF, EUR 100 000 000 from the Intra-ACP envelope of the 11th EDF, and EUR 110 000 000 from the allocation for unforeseen needs of the 11th EDF regional programme for Eastern Africa, Southern Africa and the Indian Ocean.

With the present amendment No. 2, a further amount of EUR 105 000 000 from the 10th EDF decommitted funds (performance reserve) will be allocated to this 2017-2018 Action Programme of the APF, mainly to cover expected additional needs for Peace Support Operations in 2018 and foreseen needs under the Early Response Mechanism.

The Commission will be entrusted with the responsibility of managing the contribution for an amount of EUR 600 000 transferred by the Grand Duchy of Luxembourg after the signature of the corresponding transfer agreement, in accordance with the procedures applicable to the expenditure of the European Union, in particular EDF.

The table below shows the indicative budget breakdown.

	Total EDF contribution (amount in EUR)	Total estimated cost of the action (amount in EUR)
Result 1: The APSA is implemented on the basis of the strategic priorities and objectives defined in the APSA roadmap 2016-2020	57 000 000	57 000 000
5.4.3 – PAGoDAs with the AUC (indirect management)	54 000 000	54 000 000
5.4.2 – Procurement in direct management – Joint Research Centre	1 000 000	1 000 000
5.4.2 – Procurement in direct management – Technical Assistance	2 000 000	2 000 000

<p><u>Result 2:</u> The AU and RECs/RMs are provided with the financial support needed to allow them to conduct preventive diplomacy initiatives and manage initial stages of conflicts in a timely manner.</p> <p>5.4.3 – PAGODA Early Response Mechanism III with the AUC (indirect management)</p>	20 000 000	20 000 000
<p><u>Result 3:</u> African-led PSOs are provided with financial support required to manage conflict in an effective way.</p> <p>5.4.3 – PAGODAs with the AUC and RECs/RMs (indirect management)</p> <p>5.4.1 – Direct Grants to RECs/RMs</p> <p>5.4.4 – PAGODAs with a Member State agency (indirect management)</p> <p>5.4.5 – PAGODAs with an international organisation (indirect management)</p>	441 600 000	441 600 000
2.6. – Evaluation, 2.7. – Audit	1 500 000	1 500 000
2.8. – Communication and Visibility	500 000	500 000
Contingencies	15 000 000	15 000 000
TOTAL	535 600 000	535 600 000

The APF will continue to be open to additional voluntary contributions from EU Member States and from other donors, managed in line with Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund, to promote coherence and reduce transaction costs and administrative burden for the African partners.

Additional contributions to the Action Programme, each of which up to EUR 10 000 000 not exceeding 20% of the maximum contribution of the European Union for the implementation of the programme shall not be considered substantial within the meaning of Article 94(4) of the Delegated Regulation (EU) No 1268/2012, applicable in accordance with Articles 2(1) and 26 of Regulation (EU) 2015/323, provided that they do not significantly affect the nature and objectives of the actions. The use of contingencies shall be taken into account in this ceiling. In this regard, above additional contributions will not be considered as specific change to the Action Programme to the effect of Article 15 (b) of Council Regulation 2015/322 and therefore the authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Retroactive financing

This sub-point is modified as follows.

In order to prevent delays and avoid gaps in funding, the AU, the RECs/RMs, Expertise France, the United Nations Secretariat or the OHCHR may pre-finance certain activities from 1st January 2017, in accordance with Art. 19 of Annex IV of the Cotonou Agreement. Retroactive financing will only be permitted for expenditures incurred after the date of request by the beneficiary of the action (AU/RECs/RMs/Expertise France/United Nations Secretariat/OHCHR), which shall be mentioned in the special conditions of the grant contracts or indirect management delegation agreements to be signed with the AU, the sub-regional organisations, Expertise France, the United Nations Secretariat or the OHCHR.

Eligibility of costs

- *This sub-point remains unchanged.*

5.7 Organisational set-up and responsibilities

- *This sub-point remains unchanged.*

5.8 Performance monitoring and reporting

- *This sub-point remains unchanged.*

5.9 Evaluation

- *This sub-point remains unchanged.*

5.10 Audit

- *This sub-point remains unchanged.*

5.11 Communication and visibility

- *This sub-point remains unchanged.*

Appendix I

Decision-making procedures for the African Peace Facility, 2017-2018

- *This appendix remains unchanged.*

APPENDIX 2 - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY)

This appendix remains unchanged.
