

**COMMISSION DECISION****of 18 April 2017****on the Facility for Refugees in Turkey amending Commission Decision C(2015) 9500 of 24 November 2015 <sup>(1)</sup>**

(2017/C 122/04)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular its Articles 210(2) and 214(6),

Whereas:

- (1) Commission Decision C(2015) 9500 final established a coordination mechanism — the Facility for Refugees in Turkey ('the Facility') - to assist Turkey in addressing the immediate humanitarian and development needs of the refugees and their host communities, national and local authorities in managing and addressing the consequences of the inflow of refugees. The Facility aims at coordinating and streamlining actions financed from the Union's budget and bilateral contributions from Member States.
- (2) The Representatives of the Governments of the Member States agreed in Coreper on 3 February 2016 on a 'Common Understanding establishing a governance and conditionality framework for the Refugee Facility for Turkey between the EU Member States and the Commission' <sup>(2)</sup> (hereinafter referred to as 'Common Understanding') and on a Model Contribution Certificate by which the Member States commit to make their contributions to the Refugee Facility for Turkey.
- (3) In Coreper on 3 February 2016, Member States agreed to remove references on interest for late contributions from both the draft Common Understanding and the draft Model Contribution Certificate. Commission Decision C(2016) 855 amended Commission Decision C(2015) 9500 final in order to align it to the Common Understanding.
- (4) According to point 2 of the Common Understanding, the Commission shall be responsible for managing the contributions in compliance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council <sup>(3)</sup> and Commission Delegated Regulation (EU) No 1268/2012 <sup>(4)</sup>. This includes provisions on the establishment of amounts receivable <sup>(5)</sup> and on payment for default (late) interest <sup>(6)</sup>.
- (5) Article 83(1) of Delegated Regulation (EU) No 1268/2012 provides that any amount receivable not paid within the deadline indicated in the debit note shall bear interest without prejudice to any specific provisions deriving from the application of sector-specific regulations.
- (6) Member States' contributions to the Facility for Refugees in Turkey are voluntary and, unlike in the case of own resources, do not correspond to a pre-existing obligation. It is thus not appropriate to request Member States to pay interest for the late payment of their contributions to the Refugee Facility for Turkey. Commission Decision C(2015) 9500 should thus be amended accordingly in order to establish a derogation from Article 83(1) RAP.
- (7) The Commission will continue to monitor and inform the Steering Committee of the Facility on the timely payment of the Member States contributions to the Facility for Refugees in Turkey which is key to ensure the achievement of its objectives.
- (8) This Decision should apply retroactively from 10 February 2016, the date of the adoption of Decision C(2016) 855 in order to cover the contributions already made by Member States,

<sup>(1)</sup> As amended by Commission Decision C(2016) 855 final.

<sup>(2)</sup> See doc. COMBUD 49/1/16 REV1.

<sup>(3)</sup> 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 (OJ L 298, 26.10.2012, p. 1).

<sup>(4)</sup> 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).

<sup>(5)</sup> Article 78 of Regulation (EU, Euratom) No 966/2012 and Article 81 of Commission Delegated Regulation (EU) No 1268/2012.

<sup>(6)</sup> Article 83 of Delegated Regulation (EU) No 1268/2012.

HAS DECIDED AS FOLLOWS:

*Article 1*

Decision C(2015) 9500 is amended as follows:

In Article 6 the following text is added to paragraph 3:

'No interest shall be due for the late payment by a Member State of a contribution to the Facility for Refugees in Turkey.'

*Article 2*

This Decision shall apply from 10 February 2016.

Done at Brussels, 18 April 2017.

*For the Commission*  
Günther H. OETTINGER  
*Member of the Commission*

---