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COMMISSION IMPLEMENTING DECISION

of 21.12.2021

**on the financing of the individual measure to support migration and border
management in Turkey**

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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) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession Assistance (IPA III)² and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the individual measure to support migration and border management in Turkey, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2021. Article 110 of Regulation (EU, Euratom) 2018/1046 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 measure is part of the mobilisation of EUR 3 billion for the period 2021-2023 to support refugees and host communities in Turkey, as follow-up to the European Council conclusions of June 2021. It will build upon the work carried out under the Facility for Refugees in Turkey, which is a key component of the EU-Turkey Statement of March 2016. The measure therefore aims to support the safe and dignified transfer of irregular migrants and Syrians under Temporary Protection and ensure their access to accommodation and quality services. Furthermore, it will strengthen the country's efforts for the promotion of regular migration and increase the capacity of coordinated border management services at its airports.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 330, 20.9.2021, p.1.

³ www.sanctionsmap.eu Please 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 between the published legal acts and the updates on the website it is the OJ version that prevails.

- (4) Pursuant to Article 23(3) of Regulation (EU) 2021/947⁴ applicable pursuant to Article 9(1) of Regulation (EU) 2021/1529, the adoption of this individual measure is justified because it constitutes a distinct critical intervention earmarked for migration and border management, in view of the continued need to manage refugee flows and to alleviate pressure on European borders, while preventing loss of life.
- (5) The objectives pursued by the measure are to support Turkey in progressing on alignment with the *EU acquis* and to improve Turkey's institutional capacity as regards Chapter 24 of the *acquis*. The objective of the action entitled 'Home Affairs – EU support to migration and border management,' is to improve, in light of a gender-based assessment, the management of removal centres' reception and hosting of irregular migrants. The action will also support the efforts of the Turkish Presidency of Migration Management (PMM) (previously as Directorate General for Migration Management (DGMM)) to manage migration through effective implementation of Turkey's Strategy Document and National Action Plan on Irregular Migration (2021-2025) and to promote regular migration. In addition, the action will improve inter-agency cooperation and increase the capacity of migration and border management agencies operating at airports in a sustainable manner.
- (6) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (7) Pursuant to Article 26(1) of Regulation (EU) 2021/947 applicable pursuant to Article 9(1) of Regulation (EU) 2021/1529, indirect management is to be used for the implementation of part of the measure.
- (8) 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 Regulation (EU, Euratom) 2018/1046.
- (9) 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 Regulation (EU, Euratom) 2018/1046 and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.
- (10) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.
- (11) 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 Regulation (EU, Euratom) 2018/1046.
- (12) The measure provided for in this Decision is in accordance with the opinion of the IPA III Committee set up by Article 17 of Regulation (EU) 2021/1529.

⁴ 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, OJ L 209, 14.6.2021

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The annual financing decision, constituting the annual work programme for the implementation of the individual measure to support migration and border management in Turkey, as set out in the Annex , is adopted.

The measure shall include the following action:

- Action ‘Home Affairs - EU support to migration and border management’ as set out in the Annex:

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure referred to in Article 1 is set at EUR 30 000 000 for 2021 and shall be financed from the appropriations entered in the budget line 15 02 01 01.03 of the general budget of the Union:

The appropriations provided for in the first subparagraph 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 4.2.4 of the Annex.

Article 4
Flexibility clause

Increases⁵ or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in Article 2, or cumulated reassignments of funds between actions contained in an action plan not exceeding 20% of that contribution, as well as extensions of the implementation and execution period shall not be considered substantial within the meaning of Article 110(5) of Regulation (EU, Euratom) 2018/1046, where 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, acting in accordance with the principles of sound financial management and proportionality.

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

Article 5
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex. Grants may be awarded to the bodies referred to in the Annex selected in accordance with point 4.2.1 of the Annex.

Done at Brussels, 21.12.2021

For the Commission
Olivér VÁRHELYI
Member of the Commission