



Brussels, 17.12.2019
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COMMISSION IMPLEMENTING DECISION

of 17.12.2019

**on the second special measure for the 2019 ENI contribution to the European Union
Emergency Trust Fund for stability and addressing root causes of irregular migration
and displaced persons in Africa, to be financed from the general budget of the European
Union**

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on the second special measure for the 2019 ENI contribution to the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa, to be financed from the general budget of the European Union

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action¹, and in particular Article 2(1) thereof,

Having regard to Regulation (EU, Euratom) No 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 966/2012² (the "Financial Regulation"), and in particular Article 110 thereof,

Whereas:

- (1) By its Decision C(2015) 7293 of 20.10.2015 the Commission established the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (the "Trust Fund"), for a duration of 5 years.
- (2) The overall objective and purpose of the Trust Fund shall be to address the crises in the regions of the Sahel and the Lake Chad, the Horn of Africa, and the North of Africa. It will support all aspects of stability and contribute to better migration management as well as addressing the root causes of destabilisation, forced displacement and irregular migration, in particular by promoting resilience, economic and equal opportunities, and security and development.³
- (3) The Trust Fund aims to foster stability and contribute to better migration management. In line with the Union's development-led approach to forced displacement, it helps addressing the root causes of destabilisation, forced displacement and irregular migration, by promoting economic and equal opportunities, security and development. This is consistent with the overall objective of Regulation No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument⁴.

¹ OJ L 77, 15.3.2014, p. 95.

² OJ L 193, 30.7.2018, p.1.

³ Commission adopted Decision C(2015) 7293, recital 13.

⁴ OJ L 77, 15.3.2014, p. 27.

- (4) The objective pursued by this Decision is to support the financing of programs in the priority areas of protection, border management, stabilisation, migration management and labour migration, as defined by the above mentioned Trust Fund's overall objective (and by the EU strategic priorities on migration). The expected results are to support projects in the field of protection, migration and border management in Algeria, Egypt, Libya, Morocco and Tunisia to be implemented by the Commission.
- (5) The North of Africa Window of the Trust Fund is financed by the Union budget as well as by other donors (EU Member States, Switzerland and Norway). Over its duration it aims to pool EUR 1,000 million of which indicatively EUR 700 million from the Union budget and EUR 300 million from other donors.
- (6) In order to ensure the implementation of the measure, it is necessary to adopt an annual financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (7) 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.
- (8) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (9) 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.
- (10) The measures provided for in this Decision are in accordance with the opinion of the European Neighbourhood Instrument Committee established by Article 15 of Regulation (EU) No 232/2014.
- (11) Pursuant to Article 4(7) of Regulation (EU) No 236/2014, indirect management is to be used for the implementation of the programme.
- (12) 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. 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.

HAS DECIDED AS FOLLOWS:

Article 1

The measure

The second special measure for the 2019 ENI contribution to the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa is adopted.

Article 2

Financial contribution

The Union contribution for the implementation of the measure referred to in Article 1 is set at a maximum of EUR 50,717,716 to be financed from budget line 22.040103 of the general budget of the Union for 2019.

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

Article 3

Implementation modalities

The financial contribution to the Trust Fund shall be implemented:

- directly (i) by the Commission's departments, including its staff in the Union Delegations under the authority of their respective Head of Delegation, (ii) or through executive agencies;
- indirectly with third countries or the bodies they have designated, international organisations and their agencies, public law bodies or bodies governed by private law with a public service mission to the extent that the latter provide adequate financial guarantees.

The Constitutive Agreement signed with the donors defines the rules and procedures applying to the management and governance of the Trust Fund.

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 changes 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 they 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, 17.12.2019

For the Commission
Olivér VÁRHELYI
Member of the Commission