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**COMMISSION IMPLEMENTING DECISION**

**of 18.7.2019**

**on the adoption of a special measure on health, protection, socio-economic support and municipal infrastructure under the Facility for Refugees in Turkey**

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## on the adoption of a special measure on health, protection, socio-economic support and municipal infrastructure under the Facility for Refugees in Turkey

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 action<sup>1</sup> and in particular the fourth subparagraph of Article 2(1) thereof,

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 966/2012<sup>2</sup>, and in particular Article 110 thereof,

Whereas:

- (1) Turkey continues to be a major reception and transit country for refugees and migrants. As a result of an unprecedented influx mainly due to the conflicts in Syria and Iraq, Turkey is hosting some four million refugees, the highest number in the world. The Facility for Refugees in Turkey (the 'Facility') was set up in 2015<sup>3</sup> to assist Turkey in addressing the humanitarian and development needs of refugees and persons eligible for subsidiary protection and their host communities. The first tranche of the Facility – EUR 3 billion – was committed and contracted by the end of 2017. The third Annual Report on the Facility<sup>4</sup> includes detailed information on the achievements and the implementation of a total of 72 projects under the first tranche.
- (2) The EU-Turkey Statement of March 2016 provides that "once these resources are about to be used to the full", the EU will "mobilise additional funding for the Facility of an additional 3 billion euro up to the end of 2018". To this end, on 14 March 2018 the Commission adopted Decision C(2018)1500<sup>5</sup> on a second allocation ('the second tranche') of EUR 3 billion for the Facility<sup>6</sup>.

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<sup>1</sup> OJ L 77, 15.3.2014, p. 95.

<sup>2</sup> OJ L 193, 30.7.2018, p.1.

<sup>3</sup> Commission Decision C(2015) 9500 of 24.11.2015 on the coordination of the actions of the Union and of the Member States through a coordination mechanism – the Refugees Facility for Turkey.

<sup>4</sup> Communication of the Commission COM(2019) 174 final/2 of 15 April 2019.

<sup>5</sup> Commission Decision of 14 March 2018 on the Facility for Refugees in Turkey amending Commission Decision C(2015)9500 as regards the contribution of the Facility for Refugees in Turkey, (OJ C106, 21.3.2018, p. 4).

<sup>6</sup> Commission Decision C(2018) 1500 of 14.03.2018 on the Facility for Refugees in Turkey amending Commission Decision C(2015)9500 as regards the contribution of the Facility for Refugees in Turkey as further amended on 24 July 2018 by Commission Decision C(2018)4959 final.

- (3) In the framework of the programming of the second tranche, on 24 July 2018 the Commission adopted a special measure on education<sup>7</sup>, providing EUR 500 million for the continuation of activities under the priority area of education of the Facility.
- (4) This Special Measure provides for actions – health, protection, socio-economic support and municipal infrastructure - that should address the priority areas as identified in the 2018 needs assessment, as endorsed on 17 May 2019 at the meeting of the Facility Steering Committee.
- (5) In order to ensure the implementation of the measure, it is necessary to adopt an annual financing decision for year 2019. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (6) The envisaged assistance is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU<sup>8</sup>.
- (7) It is appropriate to authorise the award of grants without a call for proposals, pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046 to the Ministry of Health of the Republic of Turkey for Action 1 – component 1; to the Ministry of Labour, Families and Social Policies for Action 2; and to the Ministry of Labour, Families and Social Policies for Action 3 – component 1. The reasons are provided in section 2.2 of the Annex.
- (8) Pursuant to Article 4(7) of Regulation (EU) 236/2014, indirect management is to be used for the implementation of part of the special measure, namely for Action 1 – component 2, for Action 3 – component 2 and for Action 4.
- (9) 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.
- (10) The Commission should acknowledge and accept contributions from other donors made in accordance with point (ii) of Article 21(2)(a) of Regulation (EU, Euratom) 2018/1046.
- (11) 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.
- (12) 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.
- (13) The measure provided for by this Decision is in accordance with the opinion of the IPA II Committee established under Article 13 of Regulation (EU) No 231/2014, of the

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<sup>7</sup> Commission Implementing Decision C(2018) 4960 of 24 July 2018 on the adoption of a special measure on education under the Facility for Refugees in Turkey.

<sup>8</sup> [www.sanctionsmap.eu](http://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.

European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance<sup>9</sup>.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### *The measure*

The financing decision constituting a special measure on health, protection, socio-economic support and municipal infrastructure under the Facility for Refugees in Turkey, as set out in the Annex, is hereby adopted.

#### *Article 2*

##### *Union contribution*

The maximum Union contribution for the implementation of the special measure referred to in Article 1 for 2019 is set at EUR 1 410 million and shall be financed from the contributions from other donors to the general budget of the Union and from voted budget appropriations, both entered in the budget line 22.02.03.02 of the general budget of the Union.

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

#### *Article 3*

##### *Methods of implementation and entrusted entities or persons*

The implementation of the actions to be 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 section 2.2(3)(a) of the Annex.

#### *Article 4*

##### *Flexibility clause*

Increases<sup>10</sup> or decreases not exceeding 20 % of the contribution set in the first paragraph of Article 2 of this Decision that do not cause the total contribution to exceed EUR 10 million, 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 Regulation (EU, Euratom) 2018/1046 where those changes do not significantly affect the nature and objectives of the actions.

Within the 20 % limit referred to in the first paragraph of this Article, up to 5 % of the contribution referred to in the first paragraph of Article 2 may serve to finance actions which were not anticipated at the time of the adoption of this Decision, provided that those actions are necessary to implement the objectives and the results set out in the programme.

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<sup>9</sup> OJ L 77, 15.03.2014, p. 11.

<sup>10</sup> These changes can come from external assigned revenue made available after the adoption of the financing decision.

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.

*Article 5*

*Grants*

Grants may be awarded without a call for proposals pursuant to Article 195 of Regulation (EU, Euratom) 2018/1046 to the bodies selected in accordance with the conditions set out in section 2.2 of the Annex to this Decision.

Done at Brussels, 18.7.2019

*For the Commission*  
*Johannes HAHN*  
*Member of the Commission*