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COMMISSION IMPLEMENTING DECISION

of 29.4.2013

modifying the Commission Decision C(2012)3815 on the 2012 special measure for Syria and Syrian refugees to be financed from the general budget of the European Union

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI), and in particular Article 13 thereof,

Having regard to 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 1605/2002¹ (hereinafter referred to as 'the Financial Regulation'), and in particular Article 84 thereof,

Having regard to Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union² (hereinafter referred to as 'the Rules of Application'), and in particular Article 94 thereof,

Whereas:

- (1) Commission Decision C(2012)3815 adopted on 07 June 2012 approved the "2012 Special Measure for Syria and Syrian refugees".
- (2) The purpose of the present modifying Decision is to allow for a change in the management mode of the Action Fiche "Support for the Syrian Population affected by the unrest" - Annex 3 to the original Decision.
- (3) The Commission may entrust budget-implementation tasks under joint management (indirect management with an international organisation) to the entity identified in this Decision, subject to the conclusion of a contribution agreement. The responsible authorising officer has ensured that this entity complies with the conditions of Article 53d of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities³ (hereinafter referred to as 'the Financial Regulation 1605/2002') and of Articles 35 and 43 of its Implementing Rules⁴.
- (4) The special measure provided for in this Decision is in accordance with the opinion of the ENPI Committee set up under Article 26 of Regulation (EC) No 1638/2006,

¹ OJ L 298, 26.10.2012, p. 1.

² OJ L 362, 31.12.2012, p. 1.

³ OJ L 248, 16.9.2002, p.1.

⁴ OJ L 357, 31.12.2002, p.1.

HAS DECIDED AS FOLLOWS:

Article 1

Annex 3 of Commission Decision C(2012)3815 is replaced by the Annex of this Decision.

Article 2

The budget-implementation tasks under joint management shall be entrusted to the entity identified in the attached Annex, subject to the conclusion of the relevant agreements..

Done at Brussels, 29.4.2013

For the Commission
Štefan FÜLE
Member of the Commission

ANNEX

Action fiche "Support for the Syrian population affected by the unrest".

Action fiche for Syria**1. IDENTIFICATION**

Title/Number	Support for the Syrian population affected by the unrest (ENPI/2012/024-069)		
Total cost	EU contribution: EUR 12.6 million		
Aid method / Method of implementation	Project approach / Direct Centralised and Joint Management		
DAC-code	43010	Sector	Multi-sector aid

2. RATIONALE**2.1. Sector context**

Syria is entering a second year of civil unrest, with no obvious solution in sight. Diplomatic initiatives with short-term objectives are on-going. The opposition is still divided, and there is no clear post-conflict scenario.

Life for Syrians is becoming more difficult. Basic commodities are expensive and access to normal services such as education and health are becoming increasingly challenging. There are constant cuts in electricity and telecommunications. Movement inside and out of the country is seriously hampered. Everyday life has become unpredictable and even in larger cities has become unsafe with isolated or systematic acts of violence.

The United Nations (UN) estimates a million displaced people have been affected, including over 40,000 refugees¹.

The EU suspended its bilateral co-operation with the Syrian government in May 2011. The European Investment Bank (EIB) loans pipeline as well as disbursement of on-going loans has been suspended together with related technical assistance (including Facility for Euro-Mediterranean Investment and Partnership). However, some co-operation supporting higher education and refugees is still on-going as well as support to civil society organisations. Non-state actors continue to have access to regional programmes.

The EU is committed to continue supporting the Syrian population in every way possible, including by using the European Neighbourhood and Partnership Instrument (ENPI) allocation. Given the circumstances and the operational constraints, options are currently limited and the special measure provides a flexible framework to work with a variety of partners depending on the evolution of the situation on the ground.

¹ United Nations High Commissioner for Refugees (UNHCR) *Syria Regional Response Plan*, <http://www.unhcr.org/4f6c80a49.html>

A momentum towards modernisation of the NGO sector that has been apparent in recent years has halted. Stringent control, ambiguity and arbitrariness continue to characterise government regulation of the NGO sector.

Nevertheless, some donor-supported activities are continuing, although feedback received indicates that authorisations for new activities are rare. The few international NGOs that are allowed to work in Syria are continuing in a limited way, through Syrian staff. UN organisations are continuing to work, with limitations.

2.2. Lessons learnt

Obtaining information about the situation on the ground continues to be very difficult as the operation of international media and different organisations is limited by the regime. There are serious limitations to working in Syria at the moment. Obtaining authorisation for new projects is difficult, and for new organisations, near impossible; it is not possible for the EU to foresee any sustained monitoring in the short and medium term. Therefore a viable way forward would be to support on-going, successful projects, implemented by partners with a solid track record. For medium-sized projects, international organisations already operating in Syria may be the only entry point.

In addition, the situation is rapidly changing and medium and long-term planning is very difficult. All earlier planned interventions have been amended to respond to the situation on the ground. A high level of flexibility is needed for a possibility to intervene as soon as the situation allows.

2.3. Complementary actions

Initiatives supported through the special measure programme will complement already on-going activities in Syria: grants funded through the thematic budget lines, as well as projects targeting Iraqi and Palestine refugees implemented through the United Nations Children's Fund (UNICEF) and United Nations Relief and Works Agency.

The special measure is accompanied by actions targeting areas affected by the Syrian refugees in Jordan and Lebanon. **These actions have a combined budget of EUR 23 million.** The action in Jordan will address vulnerable Syrian children as well as children in host communities through provision of access to education services (EUR 5.4 million). In Lebanon the action targets the main host communities affected by the influx of Syrian refugees (EUR 5 million).

Some EU Member States are seeking to continue to support actions benefitting directly the people in Syria (namely health care actions).

European Commission's Directorate General for Humanitarian Aid and Civil Protection is in process of mobilising humanitarian assistance to Syrians and Syrian refugees in the region (overall contribution EUR 10 million in April 2012). With a view to a particularly sensitive working environment and to avoid possible overlapping in EU assistance, particular care will be taken to ensure that specific actions are decided in complementarity with EU humanitarian assistance.

2.4. Donor co-ordination

Donor/development partners active on the ground have become rare. Co-ordination is taking place within whatever is left of the old donor co-ordination structures (Red Crescent/UNHCR for Iraqi refugees). Most EU Member States representations are no longer in the country and those that have remained are operating on reduced capacity. Following the suspension of co-operation, the Syrian Planning and Cooperation Commission can no longer operate as coordinator for EU action.

Various actions outside Syria (such as the 'Friends of Syrian People Group') are increasingly taking up the task of needs assessment and response coordination.

As the interest of the EU is to keep a low profile when operating in the country and not put at risk project partners, it will be up to identified partners to decide what level of co-ordination suits best for each situation.

The special measure will be implemented in close co-operation with EU humanitarian aid, linking relief, rehabilitation and development for medium-term planning.

3. DESCRIPTION

3.1. Objectives

General objective: assist Syrian people to prepare the way towards transition.

Specific objective: Help vulnerable groups in Syria cope with the effects of civil unrest; enhance the role of civil society in the transition context through quick, responsive and targeted support to projects.

3.2. Expected results and main activities

The project has been modified to introduce a second component. The first component remains unchanged – it is multi-sectoral and implemented through grants; the second component focuses on education and will be implemented through joint management with UNICEF.

Component 1 – Multi-sectoral projects

Results: low-risk, high-impact projects of varying sizes, addressing the short and medium-term needs of the Syrian population affected by the crisis.

Activities: depending on the projects identified, the activities may include, inter alia:

- Delivery of basic/ specialised health services;
- Trainings, capacity-building, education, vocational education;
- Support to media/cultural activities;
- Support to youth organisations;
- Support to livelihoods;
- Support to conferences, seminars and studies;
- Training, capacity-building to prepare for a post-conflict / transition process.

The EU will link up with existing partners, or partners with a good track record, to develop possible projects for support. All actions will be designed in close co-operation with European Commission's Directorate General for Humanitarian Aid and Civil Protection. Potential partners must present low risk of being impeded or closed down by Syrian regime. Indicators of low risk can include, but are not limited to:

- Partner has projects on-going and has track record of continuity;
- Partner is authorised to work in the country;
- Partner has sufficient experience to provide all necessary reports to the EU (i.e. no capacity-building in EU procedures needed);
- Partner has good implementation track record.

Component 2 – Education

Result 1: Children affected by the conflict have increased access to basic education (grades 1-9) and enhanced social support in an improved learning environment.

Indicative activities include: enrolling internally displaced children in schools; providing remedial education and psycho-social support; providing education on unexploded ordnance and mines; hygiene education; upgrading the physical environment of schools; distributing teaching and learning material; and creating child friendly schools.

Result 2: Under 6 years old children affected by the conflict are better prepared to start basic education.

Indicative activities include: building the capacity of kindergarten teachers in psycho-social support; providing essential play and learning materials; and adapting and implementing a free of charge school readiness programme developed in Lebanon and Yemen.

Result 3: Support to adolescents – with an emphasis on girls – to reintegrate into formal basic education school or attend vocational training.

Indicative activities include; providing remedial education and psycho-social support; reviewing and adapting the current vocational curriculum to the current situation, building capacity of the teachers; providing teaching and learning kits; providing scholarships for girls; conducting assessments of trauma exposure and understanding the impact of the conflict on educational institutions and youth in Syria.

3.3. Risks and assumptions

Assumptions:

- EU continues with its policy objective of continuing to support the Syrian population;
- Public opinion in Syria is in favour of EU-funded projects;
- Government does not close down foreign-funded projects;
- Partners continue to receive authorisation to carry out work in Syria;
- Security situation does not deteriorate to a point where project activities are no longer possible;
- Partners provide accurate information on project delivery;
- Partners continue to be able to implement actions in compliance with EU instructions and policies.

It must be acknowledged that projects supported via the special measure will most probably be of much higher risk than projects in normal circumstances. Interference

on part of government or deterioration of the security situation will be constant risks to projects funded under this special measure.

The mitigating measures proposed are to work with solid organisations with proven track record and with on-going programmes and networks in the country.

3.4. Cross-cutting Issues

Implementing entities will ensure that all financed initiatives respect principles in particular human rights and gender equality as core elements that will be taken into consideration when designing projects.

3.5. Stakeholders

Initiatives to be supported will be identified and designed in close collaboration with the implementing partners, which will predominately be international organisations, and international/national NGOs.

Implementing partners will be encouraged to work as much as possible in co-operation with local NGOs, in order to help this sector survive through the crisis. Re-granting will be allowed for this purpose.

4. IMPLEMENTATION ISSUES

4.1. Method of implementation

Component 1 will be implemented in direct centralised management mode.

Component 2 will be implemented in joint management with UNICEF. The choice of joint management is based on: i) the need to retain flexibility in implementation due to the evolving conflict in Syria; ii) the need to work in partnership with a variety of international and national NGOs. The choice of UNICEF is based on: i) their international mandate; ii) their previous experience in Syria (leader in the education sector) as well as other conflict situations (Lebanon and Yemen); iii) they are one of the few organisations that still have a significant presence in Syria (43 staff) and able to work nationwide and; iv) the strength of their implementing network of over 40 international and national NGOs.

Joint management with this international organisation in accordance with Article 53d of the Financial Regulation 1605/2002 is possible because the organisation is bound by a long-term framework agreement (FAFA). A standard contribution agreement will be signed.

The international organisation will have responsibility for the selection and award of contracts, including procurement contracts and grant contracts, as well as for all payments and/or recoveries under these contracts.

4.2. Procurement and grant award procedures

Component 1: Direct centralised management. All payments and contracts under this component are made by the Commission.

1) Contracts

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

Participation in the award of contracts for the present action shall be open to all natural and legal persons covered by the ENPI Regulation. Further extensions of this participation to other natural or legal persons by the concerned authorising officer shall be subject to the conditions provided for in Article 21(7) of the ENPI Regulation.

2) Specific rules for grants

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EU external actions. They are established in accordance with the principles set out in Title VI 'Grants' of the Financial Regulation applicable to the General Budget. When derogations to these principles are applied, they shall be justified, in particular in the following cases:

- Financing in full (derogation to the principle of co-financing): the maximum possible rate of co-financing for grants is 80% of total eligible costs. Full financing may only be applied in the cases provided for in Article 192 of the Financial Regulation. As provided by the crisis situation procedures, full EU funding can be considered.
- Derogation to the principle of non-retroactivity: a grant may be awarded for an action which has already begun only if the applicant can demonstrate the need to start the action before the grant is awarded, in accordance with Article 130 of the Financial Regulation applicable to the general budget.

Flexible procedures allowed as per Article 168(2) of the Implementing rule of the Financial Regulation, and described in the "Guidelines on contractual procedures to be used in cases of crisis and emergency and post emergency situations" might be used as long as the crisis situation is in force.

Component 2: Joint management

All contracts implementing the action are awarded and implemented in accordance with the procedures and standard documents laid down and published by the relevant International Organisation.

4.3. Indicative budget and calendar

The total EU financial contribution to the action amounts to a maximum of **EUR 12.6 million**, following the indicative breakdown below:

Description	Budget
Component 1: Projects	EUR 6,100,000
Component 2: Contribution Agreement with UNICEF	EUR 6,000,000

Audit/evaluation/monitoring	EUR 500,000
Total	EUR 12,600,000

All contracts which will implement this project will be signed on 31 December of the N+1 year at latest (year N being the year of the approval of the budgetary commitment).

The indicative operational implementation period of individual actions will be up to 48 months from the date of the decision.

4.4. Performance monitoring

The performance of the project will be closely monitored by the project implementing body. Appropriate reporting and reviewing measures will be built into each contract/agreement to ensure close follow-up on part of the Commission. The Commission reserves the right to carry out verification missions as needed.

External results oriented monitoring missions may also be carried out by the Commission.

4.5. Evaluation and audit

All evaluation and audit contracts will be awarded and implemented by the European Commission in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question. According to the implementation modalities, initiatives could also be subject to an annual financial and system audit launched by the European Commission as well as in some cases results oriented monitoring.

If deemed necessary, an external final evaluation, covering all the activities of the action, will be carried out in accordance with European Commission procedures, if the security situation allows access to Syria.

All auditing matters related to that portion of the action implemented in joint management are governed by the Verification Clause annexed to and forming an integral part of the Financial and Administrative Agreement concluded between the European Community (now Union) and the United Nations (agreement signed on 29 April 2003).

4.6. Communication and visibility

All visibility activities will be implemented in accordance with the “EU visibility guidelines for external actions”. However, depending on the evolution of the situation on the ground, visibility activities might need to be adjusted in order to allow a successful implementation of the project activities.