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**COMMISSION IMPLEMENTING DECISION**

**of 20.12.2023**

**on the financing of the individual measure providing post-earthquake support for health  
and education infrastructure in Türkiye**

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### on the financing of the individual measure providing post-earthquake support for health and education infrastructure in Türkiye

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom – Financial Regulation) 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>1</sup>, 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)<sup>2</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the individual measure providing post-earthquake support for health and education infrastructure in Türkiye, it is necessary to adopt an annual financing Decision, which constitutes the annual work programme, for 2023.
- (2) The envisaged assistance should comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (3) The measure provided for in this Decision should contribute to climate mainstreaming in line with Commission Communication ‘The European Green Deal’<sup>3</sup> and in the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources<sup>4</sup>.
- (4) The action is not covered by the Programming Framework for the period 2021–2027, which outlines five thematic windows for achieving the specific objectives and thematic priorities of Regulation (EU) 2021/1529. It is part of the three billion euros

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

<sup>2</sup> OJ L 330, 20.9.2021, p.1.

<sup>3</sup> COM(2019)640 final of 11 December 2019.

<sup>4</sup> OJ L 433I, 22.12.2020, p. 28.

refugees assistance package earmarked for the years 2021-2023 under the EU support to refugees in Türkiye. Consequently, it is classified as an individual measure financed under IPA III.

- (5) The objectives pursued by the individual measure should improve access for refugees and host communities to education and increase access to primary healthcare services for refugees and host communities by building the needed education and health infrastructure. The intervention is undertaken in the framework of the EU pledge made at the international donors' conference of March 2023 for the people in Türkiye and Syria<sup>5</sup> in an effort to help the reconstruction of the affected regions and support refugees and host communities to rebuild their lives following the earthquakes of 6 February 2023.
- (6) The objective of the action entitled, "Providing post-earthquake support for health and education infrastructure in Türkiye", is to enhance access to education and healthcare services for refugees and host communities, focussing on the provinces affected by the earthquakes or by the demographic changes caused by them. It should continue to build on the results, experience and deliverables of the Facility for Refugees in Turkey and additional European Union (EU) refugee support provided after 2019.
- (7) Pursuant to Article 62(1), point (c) of the Financial Regulation, indirect management may be used for the implementation of the individual 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 the Financial Regulation.
- (9) To that end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4)<sup>6</sup> of the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation 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 the Financial Regulation.
- (11) In order to allow for flexibility in the implementation of the individual measure, it is appropriate to determine the changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (12) The individual measure provided for in this Decision is in accordance with the opinion of the IPA III Committee established in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States.

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<sup>5</sup> [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/stronger-europe-world/donors-conference-turkiye-and-syria\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/stronger-europe-world/donors-conference-turkiye-and-syria_en)

<sup>6</sup> Except for the cases referred to in Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

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 provide post-earthquake support for health and education infrastructure in Türkiye, as set out in the Annex, is adopted.

The individual measure shall consist of the action set out in the annex.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the measure for 2023 is set at EUR 115 600 000, and shall be financed from the appropriations entered in budget line 15.020101.03 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 action 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 4.3.1. of the Annex.

*Article 4*  
*Flexibility clause*

Increases<sup>7</sup> or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in Article 2, first paragraph, as well as extensions of the implementation and execution period shall not be considered substantial for the purposes of Article 110(5) of the Regulation (EU, Euratom) 2018/1046, provided that these changes do not significantly affect the nature and objectives of the action.

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<sup>7</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.

Done at Brussels, 20.12.2023

*For the Commission*  
*Olivér VÁRHELYI*  
*Member of the Commission*