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**COMMISSION IMPLEMENTING DECISION**

**of 26.6.2023**

**on the financing of the Annual Action Plan 2023 of the Multi-Country Migration  
Programme for the Southern Neighbourhood**

# COMMISSION IMPLEMENTING DECISION

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## on the financing of the Annual Action Plan 2023 of the Multi-Country Migration Programme for the Southern Neighbourhood

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 2018/1046<sup>1</sup> 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, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947<sup>2</sup> of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument - Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009, and in particular Article 23(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the annual action plan to support countries in the Southern Neighbourhood for the management of migration flows for 2023, it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2023. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (2) The envisaged assistance should comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU<sup>3</sup>.
- (3) The Commission has adopted the Multiannual Multi-Country Migration Programme for the Southern Neighbourhood for 2021-2027(MIP)<sup>4</sup>, which in line with the Pact on Migration and Asylum<sup>5</sup> and reflecting the Joint Communication on a Renewed Partnership with the Southern Neighbourhood<sup>6</sup>, sets out four priorities. The first priority of the MIP addresses the need to provide protection to forcibly displaced persons, including asylum seekers, refugees, internally displaced persons, and other persons in need, including migrants in vulnerable situations, as well as host

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

<sup>2</sup> OJ L 209, 14.6.2021, p.1.

<sup>3</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.

<sup>4</sup> C (2022)8015

<sup>5</sup> COM (2020) 609

<sup>6</sup> JOIN (2021) 2

communities, notably in North Africa. The second priority aims at strengthening migration and asylum governance and management, while the third priority aims at fostering return, readmission and sustainable reintegration. Supporting a comprehensive approach to legal migration and mobility is the fourth priority.

- (4) The present decision focuses on the first three MIP priorities reflecting the most pressing needs assessed jointly with partner countries. The objectives pursued by the annual action plan to be financed under the Neighbourhood geographic programme of the Neighbourhood, Development and International Cooperation Instrument should include: 1) support safe and human rights-based migration governance, 2) increase voluntary returns from North Africa and sustainable reintegration of irregular migrants in North Africa and countries, of origin, 3) enhance protection and resilience of people most at risk and strengthen socio-economic cohesion in communities, and 4) increase prospects for migration interventions to contribute to the desired impacts.
- (5) In order to support safe and human rights-based migration governance, this action will strengthen partner countries' ability to manage migration, their borders and their search and rescue operations, in particular in Tunisia and Egypt, as well as prevent and combat smuggling of migrants and trafficking of human beings in compliance with international obligations and human rights standards, in particular in Tunisia and Egypt.
- (6) In order to increase assisted voluntary returns from North Africa, in particular Tunisia and Egypt, and sustainable reintegration in countries of origin, this action will support partner countries in managing migration flows while respecting the rights of migrants and other vulnerable people.
- (7) In order to enhance enhance protection and resilience of people most at risk and strengthen socio-economic cohesion in communities, this action will address in particular populations targeted in Libya and Morocco, and if required communities in Tunisia and Egypt can be included.
- (8) To increase prospects for migration interventions to contribute to the desired impacts, this action includes a number of services required to ensure the impact of the activities such as studies, evaluations and third-party monitoring.
- (9) Although legal migration is not a main specific objective of this action, some of the activities will also include in their scope legal migration related elements mainly addressing employment opportunities for migrants with the purpose of increasing their resilience and protection and increasing the capacity of third countries managing it.
- (10) In accordance with Article 43 of Regulation (EU) 2021/947, the action set out in the Annex is of a regional nature, fostering regional cooperation in the Southern Neighbourhood. The action's objective and design fulfil the criteria for Official Development Assistance established by the OECD/DAC, as per the requirements of Article 3(4) of Regulation (EU) 2021/947, contributing to the sustainable development of partner countries and the implementation of the 2030 agenda. Due to the action's nature and the importance to ensure complete regional coverage, the eligibility of the action extends exceptionally to the countries identified in the Annex, as their participation constitutes a substantial element to ensure the coherence and effectiveness of Union financing or to foster regional cooperation.
- (11) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.

- (12) Pursuant to Article 26(1) of Regulation (EU) 2021/947, indirect management is to be used for the implementation of part of the action plan..
- (13) 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.
- (14) 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 the Financial Regulation<sup>7</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (15) 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.
- (16) In order to allow for flexibility in the implementation of the action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (17) The action plan provided for in this decision is in accordance with the opinion of the Committee established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The action plan*

The annual financing Decision, for the implementation of the action plan to support countries in the Southern Neighbourhood for the management of migration flows for 2023, as set out in the Annex, is adopted.

The action plan shall include the following action:

Action Document to support countries in the Neighbourhood South for the management of migration flows for 2023.

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*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the action plan for 2023 is set at EUR 279,000,000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- budget line 14.020110 - Southern neighbourhood for an amount of EUR 279,000,000

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

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<sup>7</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.

*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, shall be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point D.3.5 of Annex.

*Article 4*  
*Grants*

Grants may be awarded with or without a call for proposals in accordance with the conditions set out in the Annex. Grants with a call for proposals may be awarded to the bodies selected in accordance with point D.3.1 of the Annex. Grants without a call for proposals may be awarded to the bodies selected in accordance with point D.3.2 of the Annex.

*Article 5*  
*Flexibility clause*

Increases<sup>8</sup> or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in the first paragraph of Article 2, as well as extensions of the implementation period shall not be considered substantial within the meaning of Article 110(5) of the Financial Regulation, provided that these changes do not significantly affect the nature and objectives of the action.

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.

The decision to provide budget support referred to in section D.3.4 of the Annex shall be considered a substantial change within the meaning of Article 110(5) of the Financial Regulation.

Done at Brussels, 26.6.2023

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

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<sup>8</sup> These changes can come from external assigned revenue made available after the adoption of the financing Decision