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COMMISSION IMPLEMENTING DECISION

of 28.7.2016

adopting a Special Measure on education, health, municipal infrastructure and socio-economic support to refugees in Turkey, to be financed from the General Budget of the European Union for the years 2016 and 2017

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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 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 1605/2002² and in particular Article 84(2) thereof,

Whereas:

- (1) Regulation (EU) No 231/2014³ lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex I to that Regulation.
- (2) Regulation (EU) No 236/2014 lays down the rules and conditions for special measures under the Instrument for Pre-Accession Assistance (IPA II).
- (3) The EU and Turkey are committed to tackling the migration challenges in a concerted manner. On 15 October 2015, the European Council agreed to increase EU political and financial engagement to support Turkey in hosting more than 2.7 million refugees. In response, the Commission has established the Facility for Refugees in Turkey coordinating a mobilised amount of EUR 3 billion⁴. The overall objective is to coordinate and streamline actions financed from the Union's budget and bilateral contributions from Member States in order to enhance the efficiency and complementarity of support provided to refugees and host communities in Turkey. The Facility is established as from 1 January 2016 for financial contributions under the budgetary years 2016 and 2017.
- (4) During the third Steering Committee meeting for the Facility held on 30 June 2016 large consensus emerged from Member States around the necessity to support the efforts of Turkey in providing access to compulsory education and health care to Syrian refugees including through the construction of adequate infrastructure, to promote socio-economic development and improve municipalities infrastructure following the influx of substantial numbers of refugees. All EU instruments and

¹ OJ L 77, 15.03.2014, p. 95.

² OJ L 298, 26.10.2012, p.1.

³ Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (OJ L 77, 15.03.2014, p. 11).

⁴ Commission decision C(2015)9500, as amended by Commission Decision(2016)855final.

implementing modalities currently used in response to the Syrian crisis, may contribute to the Facility.

- (5) It is appropriate to authorise the award of grants without a call for proposals to the bodies identified in the Annex and for the reasons provided therein. It is also appropriate to foresee the retroactivity of eligibility of expenditures for the Action related to access to compulsory education in order to avoid disruption of school attendance.
- (6) The Commission should be able to entrust budget-implementation tasks under indirect management to the entities specified in this Decision, subject to the conclusion of a delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that these entities guarantee a level of protection of the financial interests of the Union equivalent to that required under Regulation (EU, Euratom) No 966/2012, when the Commission manages Union funds.

EIB and AFD comply with the conditions of points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary.

CEB complies with the conditions of points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary, except for grants and financial instruments.

WBG, which includes IFC, complies with the conditions of points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary, except for procurement, sub-delegations and financial instruments.

EBRD and KfW are currently undergoing the assessment under Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the authorising officer responsible deems that, based on the entities' positive assessment under Regulation (EU, Euratom) No 1605/2002 and on the long-standing and problem-free cooperation with them, budget implementation tasks can be entrusted to these entities, with the exception of the tasks related to grants, financial instruments and sub-delegations in the case of EBRD, and the tasks related to financial instruments and sub-delegations in the case of KfW, for which these institutions were not positively assessed under the Regulation (EU, Euratom) No 1605/2002.

- (7) The Actions under the present Special Measure are co-ordinated by the Facility for Refugees in Turkey.
- (8) It is appropriate to authorise the award of grants without a call for proposals to the bodies identified in the Annex and for the reasons provided therein. It is also appropriate to foresee the retroactivity of eligibility of expenditures for Action 1 from the date of the submission of the proposal.
- (9) The Commission adopted a Decision⁵ for the establishment of the European Union Regional Trust Fund in response to the Syrian crisis (the "Trust Fund") for a duration of 60 months. The Trust Fund will pursue its objectives through the pooling of resources of the existing but often scattered capacities of donors and agencies to analyse, identify and implement high-impact projects in the region. These pooled

⁵ C(2014) 9615 Final.

capacities will make a direct contribution to the identification of actions to be implemented in Turkey, Lebanon, Jordan, Iraq and Egypt, as well as inside Syria, that will be presented to all contributors to the Trust Fund as part of a diversified portfolio. All financial contributions of the Union will comply with the scope of the relevant financial instruments contributing to it.

- (10) It is necessary to adopt a financing decision, the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012.⁶
- (11) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.
- (12) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (13) The Special Measure provided for by this Decision is in accordance with the opinion of the IPA II Committee set up by Article 13 of Regulation (EU) No 231/2014.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the special measure

The Special Measure on education, health, municipal infrastructure and socio-economic support to refugees in Turkey, to be financed from the General Budget of the European Union for the years 2016 and 2017 under the Instrument for Pre-accession Assistance (IPA II), as set out in the Annex, is hereby approved.

Article 2

Financial contribution

The maximum amount of the European Union contribution for the implementation of the Special Measure referred to in Article 1 is set at EUR 1 415 000 000 and shall be financed as follows: EUR 824 000 000 for 2016 from external assigned revenue originating from Member States' contributions and EUR 591 000 000 from the 2017 EU budget and shall be financed from the budget line 22.02.03.02 of the general budget of the EU.

The financial contribution referred to in the first sub-paragraph may also cover interest due for late payment.

The implementation of this Decision, as regards the 2017 budget appropriations, is subject to the availability of the appropriations provided for in the draft general budget of the Union for 2017, following the adoption of the budget for that financial year by the budgetary authority or as provided for in the system of provisional twelfths.

⁶ 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 Union (OJ L 362, 31.12.2012, p. 1).

Article 3

Implementation modalities

This Special Measure shall be implemented by direct and indirect management.

The budget implementation tasks under indirect management may be entrusted to the entities identified in the Annex subject to the conclusion of the relevant agreements.

Article 4

Grants without a call for proposals

Grants may be awarded without a call for proposals to the bodies identified in the Annex, in accordance with the conditions specified therein.

Article 5

Non-substantial changes

The following changes shall not be considered substantial provided that they do not significantly affect the nature and objectives of the actions:

- (a) increases or decreases for not more than 20% of the maximum contribution set in the first paragraph of Article 2, and not exceeding EUR 10 million;
- (b) cumulated reassignments of funds between specific actions not exceeding 20% of the maximum contribution set in the first paragraph of Article 2;
- (c) within the limits of 20% referred to in points (a) and (b) above, up to 5% of the contribution referred to in the first paragraph of Article 2 of this financing decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 28.7.2016

For the Commission

Johannes HAHN

Member of the Commission