



Brussels, 8.12.2016
C(2016) 7898 final

COMMISSION IMPLEMENTING DECISION

of 8.12.2016

**on the 1st special measure for the 2016 ENI contribution to the European Union
Regional Trust Fund in response to the Syrian crisis, the 'Madad Fund', to be financed
from the general budget of the Union**

COMMISSION IMPLEMENTING DECISION

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on the 1st special measure for the 2016 ENI contribution to the European Union Regional Trust Fund in response to the Syrian crisis, the 'Madad Fund', to be financed from the general budget of the Union

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 Articles 84(2) and 187 thereof,

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

Whereas:

- (1) On 10 December 2014, a Commission Decision³ for the establishment of the European Union Regional Trust Fund in response to the Syrian crisis, the 'Madad Fund', ('the Trust Fund') was adopted for a duration of 60 months. To widen the scope of the Trust Fund, that Decision was amended on 21 December 2015.⁴
- (2) The primary objective of the Trust Fund is to provide a coherent and reinforced aid response to the Syrian and Iraqi crises and the ensuing large scale displacement of persons across several countries. In pursuit of this objective, the Trust Fund addresses the needs of three groups: in particular refugees, internally displaced persons, and returnees, and provides assistance to the communities and the administrations in which those groups find themselves, as regards resilience and early recovery. The Trust Fund should thus focus on current priority needs and may also be mobilised for reconstruction and state-building needs in a future post-conflict scenario in Syria. Assistance within Syria and Iraq should be delivered taking the actions of other

¹ OJ L 77, 15.3.2014, p. 95.

² OJ L 298, 26.10.2012, p.1.

³ Commission Decision of 10 December 2014 on the establishment of a European Union Regional Trust Fund in response to the Syrian crisis, "the Madad Fund" (C(2014) 9615 final).

⁴ Commission Decision of 21 December 2015 amending Decision C(2014)9615 final on the establishment of a European Union Regional Trust Fund in response to the Syrians crisis, "The Madad Fund" C(2015) 9691 Final.

existing international funding instruments into account and ensuring that there is no overlap with such existing international funding instruments.

- (3) Assistance under the Trust Fund should be complementary to Union humanitarian assistance on the basis of Council Regulation (EC) No 1257/96 .
- (4) Since the establishment of the Trust Fund, the Union adopted a regional strategy for Syria and Iraq as well as for reacting to the ISIL/Da'esh threat⁵, which should guide the fund's first years of operations, as referenced in the strategic orientation document for the Trust Fund adopted by the first Trust Fund board held on 29 May 2015.
- (5) Now in its sixth year, the Syrian crisis continues to have dramatic consequences on neighbouring countries' economies, social services and infrastructure, notably due to an influx of 4.800 000 Syrian refugees in the region todate. The unprecedented magnitude of the crisis requires an increased Union financial effort to ease the pressure on the overstretched hosting infrastructures in the region.
- (6) It is necessary to adopt a financing decision, the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) N° 1268/2012⁶
- (7) As non-substantial changes to this Decision may be adopted by an authorising officer, thereby allowing for flexibility in the management of the Trust Fund, it is appropriate to define the term "non-substantial changes" in the context of Article 94(4) of Delegated Regulation (EU) N° 1268/2012..
- (8) The measure provided for in this Decision is in accordance with the opinion of the ENI Committee pursuant to Article 15 of Regulation (EU) No 232/2014 of the European Parliament and of the Council⁷,

HAS DECIDED AS FOLLOWS:

Article 1

Financial contribution

The maximum contribution of the European Union to the European Union Regional Trust Fund in response to the Syrian crisis (the “**Trust Fund**”) is set at EUR 142 530 000 and shall be financed from budget line 22 04 01 03 of the general budget of the Union for 2016.

Article 2

Methods of implementation

The Trust Fund shall implement the contribution in accordance with one of the following methods:

(a) directly :

- (i) by the Commission's departments, including its staff in the Union Delegations under the authority of their respective Head of Delegation,

⁵ Council Conclusions 7267/15 of 16 March 2015 and joint communication JOIN(2015) 2 final.

⁶ Commission Delegated Regulation (EU) n° 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) N° 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).

⁷ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument, (OJ L 77, 15.3.2014, p.27).

- (ii) or through executive agencies;

(b) indirectly :

with third countries or the bodies they have designated, international organisations and their agencies, public law bodies or bodies governed by private law with a public service mission to the extent that the bodies governed by private law provide adequate financial guarantees.

The Agreement establishing the Trust Fund concluded by the donors defines the rules and procedures applying to the management and governance of the Trust Fund.

Article 3

Non-substantial changes

Increases or decreases of up to EUR 10 000 000 of the contribution of the European Union to the Trust Fund, not exceeding 20% of the contribution referred to in Article 1, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution shall not be considered substantial, within the meaning of Article 94(4) of Delegated Regulation (EU) N° 1268/2012, provided that they do not significantly affect the nature and objectives of the actions.

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

Done at Brussels, 8.12.2016

For the Commission

Johannes HAHN

Member of the Commission

