



Brussels, 25.10.2016
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COMMISSION IMPLEMENTING DECISION

of 25.10.2016

on the 2016 Special measure for the Syrian population 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 (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) In light of the ongoing repression and restrictive measures taken by the Council of the European Union, the Commission has suspended its cooperation with the Syrian Government since May 2011. Since then, normal programming for Syria has not been possible due to the ongoing conflict but direct support to the affected population in Syria and in the neighbouring countries has been maintained under the European Neighbourhood Instrument³ (ENI) through various special measures in complementarity to humanitarian assistance in sectors such as education, livelihoods and civil society. This will be revised should the situation evolve towards a post-crisis state-building and reconstruction scenario. Taking into account the crisis situation and the need to respond to the increasing needs, a declaration of crisis was issued in February 2012. Since then, the declaration has been annually extended due to the deteriorating situation. The most recent prolongation was issued in June 2016 and will be valid until June 2017 (Ref Ares (2016)2277576).
- (2) The objective pursued by this measure to be financed under the ENI is to help the Syrian population to cope with the effects of the crisis and prepare for recovery. It is composed of a single action entitled “Programme to strengthen resilience and prepare for recovery in Syria”. This action will contribute to building the resilience of the Syrian population and to preparing the recovery and reconstruction of the country in case a political process for the resolution of the conflict gains traction. It is composed of six components and will be implemented by various United Nations and Member States agencies as well as Non-Governmental Organisations.

¹ OJ L 77, 15.3.2014, p. 95.

² OJ L 298, 26.10.2012, p. 1.

³ 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).

- (3) This action falls under the Joint Communication to the European Parliament and the Council ‘‘Elements for an EU Regional Strategy for Syria and Iraq as well as the Da’esh threat’’⁴.
- (4) 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 1268/2012⁵.
- (5) It is necessary to adopt a work programme for grants the detailed rules on which are set out in Article 128(1) of Regulation (EU, Euratom) No 966/2012 and in Article 188(1) of Delegated Regulation (EU) No 1268/2012. The work programme is constituted by the Annex to this decision (section 5.3.1).
- (6) The Commission should 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 when the Commission manages Union funds. These entities (UNDP, UNFPA, UNESCO, Expertise France, GiZ, DFID and WHO) 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. UN-Habitat is 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 entity's positive assessment under Council Regulations (EC, Euratom) No 1605/2002⁶ and on the long-standing and problem-free cooperation with it, budget-implementation tasks can be entrusted to this entity.
- (7) The authorising officer responsible should be able to award grants without a call for proposals provided that the conditions for an exception to a call for proposals in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012 are fulfilled.
- (8) The Commission should authorise the eligibility of costs under indirect management as of a date preceding the adoption of this Decision for the reasons of extreme urgency in crisis management aid or in situations of imminent or immediate danger to the stability of a country, including by an armed conflict, where an early involvement engagement of the Union may prevent an escalation.
- (9) It is necessary to allow the payment of 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.
- (10) 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.

⁴ Joint communication of the European Commission and the High Representative to the European Parliament and the Council ‘‘Elements for an EU regional strategy for Syria, Iraq, as well as the da’esh threat’’. JOIN (2015)2 of 06/02/2015.

⁵ 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).

⁶ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p.1).

- (11) The measure provided for in this Decision are in accordance with the opinion of the European Neighbourhood Instrument Committee set up by Article 15 of the financing instrument referred to in recital 1,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The Commission Decision on the 2016 special measure for the Syrian population, as set out in the Annex, is approved.

The measure shall include the following action: Programme to strengthen resilience and prepare for recovery in Syria.

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the measure referred to in Article 1 is set at EUR 80.000.000 and shall be financed from budget line 22 04 01 03 of the general budget of the European Union for 2016.

The financial contribution provided for in the first paragraph may also cover interest due for late payment.

Article 3

Implementation modalities

Budget-implementation tasks under indirect management may be entrusted to the entities identified in the attached Annex, subject to the conclusion of the relevant agreements.

The section “Implementation” of the Annex to this Decision sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012.

Grants may be awarded without a call for proposals by the authorising officer responsible in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012.

The eligibility of costs under indirect management prior to the adoption of this Decision shall be authorised as of the date set out in the Annex.

Article 4

Non-substantial changes

Increases or decreases of up to EUR 10 million not exceeding 20% of the contribution set by the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution, as well as extensions of the implementation period shall not be considered substantial within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, provided that they do not significantly affect the nature and objectives of the action.

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

Done at Brussels, 25.10.2016

For the Commission

Johannes HAHN

Member of the Commission