



Brussels, 19.4.2016
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COMMISSION IMPLEMENTING DECISION

of 19.4.2016

**adopting a Special Measure on migrants returned to Turkey, 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) 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 determined to confront and surmount the migration challenges in a concerted manner. The European Council of 15 October 2015 agreed to step up the EU political and financial engagement to support Turkey in hosting more than 2.5 million refugees. In response, the Commission has established the Facility for Refugees in Turkey coordinating a mobilized amount of EUR 3 billion.⁴
- (4) On 18 March 2016 Turkey and the European Union reconfirmed their commitment to the implementation of their joint action plan activated on 29 November 2015, which now provides that all migrants not applying for asylum or whose application has been found unfounded or inadmissible, crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This action has started to be implemented from 4 April 2016.
- (5) The EU should support the efforts of Turkey in hosting in appropriate conditions the migrants returned to Turkey.

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.

- (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) No 1268/2012.⁵
- (7) 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 to 4 April 2016.
- (8) 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.
- (9) 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.
- (10) 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 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 60 000 000 and shall be financed from the budget line 22.02.03.02 of the general budget of the EU for year 2016.

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

Article 3

Implementation modalities

This programme shall be implemented by direct management.

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).

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) extensions of the implementation and closure period;
- (d) 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, 19.4.2016

For the Commission
Johannes HAHN
Member of the Commission