



Brussels, **XXX**  
[...](2015) **XXX** draft

## **COMMISSION IMPLEMENTING DECISION**

**of XXX**

**on the 2<sup>nd</sup> special measure for the 2015 ENI contribution to the European Union  
Regional Trust Fund in response to the Syrian crisis, to be financed from the general  
budget of the European Union**

## COMMISSION IMPLEMENTING DECISION

of **XXX**

**on the 2<sup>nd</sup> special measure for the 2015 ENI contribution to the European Union  
Regional Trust Fund in response to the Syrian crisis, to be financed from the general  
budget of the European 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 action<sup>1</sup>, 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 1605/2002<sup>2</sup>, 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<sup>3</sup> (hereinafter the “Rules of Application”), and in particular Article 94 thereof,

Whereas:

- (1) On 10 December 2014, a Decision<sup>4</sup> for the establishment of the European Union Regional Trust Fund in response to the Syrian crisis (‘the Trust Fund’) was adopted for a duration of 60 months.
- (2) The overall objective of the Trust Fund is to provide a coherent and reinforced aid response to the Syrian crisis on a regional scale, responding primarily in the first instance to the needs of refugees from Syria in neighbouring countries, as well as of the communities hosting the refugees and their administrations, in particular as regards resilience and early recovery. The Trust Fund focuses on current priority needs and may also be adapted to reconstruction needs in a future post-conflict scenario. Assistance inside Syria will be considered taking into account, and avoiding overlap with, the action of other existing international funding instruments.
- (3) Since the establishment of the Trust Fund, the EU adopted a regional strategy for Syria and Iraq as well as the ISIL/Da’esh threat<sup>5</sup>, which will guide the funds first years of

---

<sup>1</sup> OJ L 77, 15.3.2014, p. 95.

<sup>2</sup> OJ L 298, 26.10.2012, p.1.

<sup>3</sup> OJ L 362, 31.12.2012, p. 1.

<sup>4</sup> 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).

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

operations, as mentioned in the strategic orientation document for the Trust Fund adopted in the first Trust Fund board held on 29 May 2015.

- (4) After the establishment of the Trust Fund in December 2014, the European Union has made financial contributions of EUR 20 million<sup>6</sup> and EUR 49 million<sup>7</sup> on the basis of the European Neighbourhood Instrument (ENI) established by Regulation (EU) N° 232/2014 of the European Parliament and of the Council<sup>8</sup>, and a contribution of EUR 18 million<sup>9</sup> on the basis of the Instrument for Pre-accession (IPA) established by Regulation (EU) N° 231/2014.
- (5) The Trust Fund held its first board meetings on 29 May 2015 and programmes for EUR 39.5 million were adopted from the above-mentioned contributions.
- (6) In its fifth year, the Syrian crisis continues to have dramatic consequences on neighbouring countries' economies, social services and infrastructure, notably due to an influx of 4 million Syrian refugees in the region to date. The unprecedented magnitude of the crisis requires an increased European financial effort. to ease the pressure on the overstretched hosting infrastructures in the region.
- (7) This Decision is in line with the Communication from the Commission 'Managing the refugees crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration'<sup>10</sup> and the statement of the informal meeting of Heads of State and Government of 23 September 2015 that commits to "assist Lebanon, Jordan, Turkey and other countries in dealing with the Syrian refugee crisis, including through a substantial increase of the EU's Regional Trust Fund in response to the Syrian Crisis<sup>11</sup> as well as Foreign Affairs Council Conclusions of 12 October 2015 where the Council "agreed specifically on the need to increase the level of cooperation and partnership with Lebanon, Jordan and Turkey to ensure equal access to shelter, education, health and livelihoods for refugees and their host communities with the support of additional EU assistance".
- (8) This Decision complies with the conditions of Article 94 of the Rules of Application.
- (9) For the application of this Decision, it is appropriate to define the term "non-substantial change" within the meaning of Article 94(4) of the Rules of Application to ensure that any such changes can be adopted by the authorising officer by delegation.
- (10) 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 Council<sup>12</sup>,

---

<sup>6</sup> C(2014) 9614 final.

<sup>7</sup> C(2015) 6878 final.

<sup>8</sup> 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).

<sup>9</sup> C(2015) 3714 final.

<sup>10</sup> COM (2015) 490 of 23.09.2015.

<sup>11</sup> SN 59/15 of 23.09.15.

<sup>12</sup> 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).

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### **Financial contribution**

A financial contribution of the European Union to the Union Regional Trust Fund in response to the Syrian crisis (hereinafter the “**Trust Fund**”) is set at a maximum amount of EUR 312 000 000 from the budget line 21 03 01 03 of the general budget of the European Union for 2015.

The implementation of this Decision is subject to the availability of appropriations following the adoption by the Budgetary Authority of Draft Amending Budget 7. From the financial contribution of the first paragraph the Commission shall be authorised to withdraw a maximum of 5% as per Article 187 (7) of Regulation (EU, Euratom) No 966/2012 to cover its management costs.

Its management costs notably include recruitment of staff for the service of the Trust Fund and its support costs.

#### *Article 2*

##### **Implementation modalities**

The Trust Fund shall implement the contribution either:

- directly (i) by the Commission’s departments, including its staff in the Union Delegations under the authority of their respective Head of Delegation, (ii) or through executive agencies;
- 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, provided that they do not significantly affect the nature and objectives of the actions.

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

Done at Brussels,

*For the Commission*  
*Johannes HAHN*  
*Member of the Commission*