



Brussels, **XXX**
C(2015) 6252/3

DRAFT

COMMISSION DECISION

of **XXX**

**on a special measure for a contribution to the European Union Emergency Trust Fund
for stability and addressing root causes of irregular migration and displaced persons in
Africa, to be financed from the 11th European Development Fund**

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on a special measure for a contribution to the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa, to be financed from the 11th European Development Fund

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund (EDF) and in particular its [article 9.3](#),

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Having regard to Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund and in particular Articles 26 and 42 thereof,

Having regard to Council Decision No. 2011/315/EU of 23 May 2011 concerning the allocations of funds decommitted from projects under the ninth and previous European Development Funds (EDF) for development cooperation in South Sudan¹,

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Whereas:

(1) For many years the Sahel region at large, including the Lake Chad Basin, and the Horn of Africa have faced growing challenges of demographic pressure, environmental stress, extreme poverty, internal tensions, institutional weaknesses, weak social and economic infrastructures, and insufficient resilience to food crises, which have in some places led to open conflict, displacement, criminality, radicalisation and violent extremism, as well as [forced and](#) irregular migration, trafficking in human beings and the smuggling of migrants. Security challenges have been increasingly linked to terrorist groups and illicit trafficking of all kinds. In a broader regional perspective, the effects of the crises in Libya and Yemen, as well as the internal conflicts in Sudan, South Sudan, Mali and the Boko Haram, [Aqmi](#) and Al-Shabaab [terrorist threats](#), have put the whole region in a crisis situation.

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(2) For all [these](#) countries, the crisis manifests itself in a growing flow of forced migration, including across the Sahara desert, the Mediterranean and other routes towards Europe. The EU has responded by increasing its humanitarian aid and development assistance to refugees and migrants across the region. The European Council² and the European Agenda on Migration³ also called for a constructive effort to prevent further loss of lives at sea and to reinforce our overall cooperation with the key countries of transit and origin. It further called to pursue these objectives by tackling amongst others the root causes of irregular migration and forced displacement in countries of origin and transit [and promoting peaceful and inclusive societies for](#)

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¹ OJ L 142, 28.05.2011, p. 61

² [EUCO 22/15, 26/06/2015](#)

³ [COM \(2015\) 240, 13.5.2015](#)

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sustainable development, in particular by strengthening the rule of law, addressing human rights abuses, improving access to education, creating economic and equal opportunities, including through the promotion of decent work, enhancing legal mobility and building better governance, including on border management, the fight against human trafficking and smuggling, and the effective sustainable return, readmission and reintegration of irregular migrants not qualifying for protection. This requires a firm commitment and comprehensive approach to supporting capacity building of third countries in the field of migration and border management, as well as to the stabilisation and development of these regions of Africa, from the Sahel to the Horn of Africa, and the North of Africa. The Commission has adopted Decision [xxx] for the establishment of an emergency EU Trust Fund for the Sahel, the Lake Chad, the Horn of Africa and the North of Africa ("the Trust Fund").

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- (3) The geographical coverage for the Trust Fund is: i) for the Sahel Region and Lake Chad Basin: Burkina Faso, Cameroon, Chad, the Gambia, Mali, Mauritania, Niger, Nigeria and Senegal; ii) for the Horn of Africa: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Uganda and Tanzania; iii) for the North of Africa: Morocco, Algeria, Tunisia, Libya and, Egypt; iv) African neighbours of these countries could also benefit, on a case by case basis, from projects with a regional dimension in order to deal with the regional migration flows and related challenges.

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- (4) The overall objective and purpose of the Trust Fund shall be to address the crises in the regions of the Sahel and the Lake Chad, the Horn of Africa, and the North of Africa. It will support all aspects of stability and contribute to better migration management as well as addressing the root causes of destabilisation, forced displacement and irregular migration, in particular by promoting resilience, economic and equal opportunities, security and development. The Trust Fund shall intervene in coordination with national and regional frameworks, the other EU instruments, the bilateral cooperation of Member States and the instruments of other development partners. The actions identified in the Trust Fund shall feed into the future and ongoing joint programming actions/documents elaborated jointly by Member States, the Commission, the EEAS and the recipient countries.

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- (5) Being able to face those challenges of common interest requires increased efforts from the EU and the Trust Fund has been designed to implement swift, flexible and appropriate measures to promote resilience, stability, security and development in the regions.
- (6) It is therefore opportune to mobilise funds foreseen under Art. 2(c) of the 11th EDF Internal Agreement⁴. The expenditure of these funds through the Trust Fund should be carried out in accordance with the geographic scope and the rules of eligibility applicable to the 11th EDF. In this regard, Sudan has not ratified the revisions dated 25 June 2005 and 22 June 2010 to the ACP-EU Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Union and its Member States of the other part (hereinafter: the Cotonou Agreement), and South Sudan is neither a signatory party to the Cotonou Agreement

⁴ Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies (OJ L 210, 6.8.2013, p. 1).

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nor an ACP states for the purposes of such Agreement. Both countries have therefore no access to programmable resources under the 11th European Development Fund, and will only benefit from non-programmable funding therefrom to the extent that the relevant eligibility conditions laid down in Annex IV of the Cotonou Agreement and the 11th EDF Implementing Regulation, governing the specific situation of each country, are met.

- (7) Considering the magnitude of the challenges facing the regions of the Horn of Africa, the Sahel and the Lake Chad Basin, in addition to the mobilisation of the above mentioned funds foreseen under Article 2 (c) of the 11th EDF Internal Agreement, funding allocated under the 11th EDF Regional Indicative Programme for West Africa 2014-2020⁵ (EUR 200 000 000 to support peace, security and stability and the resilience agenda, notably through AGIR, as well as dedicated to the objectives and priorities of ECOWAS' Sahel Strategy, defined within the West Africa RIP) the 11th EDF Regional Indicative Programme for Eastern Africa, Southern Africa and the Indian Ocean 2014-2020⁶ (EUR 50 000 000 to support migration, natural resource management and regional economic integration), the 11th EDF Regional Indicative Programme for Central Africa 2014-2020⁷ (EUR 10 000 000), the 11th EDF National Indicative Programme for Ethiopia 2014-2020⁸ (EUR 30 000 000 to support resilience), and the Special Support Programme for the South Sudan Development Plan for the period 2011 to 2013⁹ (EUR 86 400 000 to support basic services in education and health and public financial management), will also be implemented through the Trust Fund, and in support of its objectives and purposes.
- (8) Funding from the above-mentioned national and regional indicative programmes will be implemented under the Trust Fund in a manner that ensures that the geographical scope and objectives of the original programming provisions will be respected, whilst due considering the specific objectives of the Trust Fund.
- (9) In accordance with the Council Decision 2010/427/EU¹⁰ on establishing the organisation and functioning of the European External Action Service, and in particular the provisions of Article 9 regarding the division of competences between the Commission and the EEAS on external action instruments and the programming.
- (10) 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 Application¹¹ to ensure that any such changes can be adopted by the authorising officer by delegation.
- (11) The measures provided for in this decision are in accordance with the opinion of the EDF Committee set up under Article 8 of the 11th EDF Internal Agreement,

⁵ [Commission decision C\(2015\)4093 of 19/06/2015](#)

⁶ [Commission decision C\(2015\)3379 of 22/05/2015](#)

⁷ [Commission decision C\(2015\)4154 of 22/06/2015](#)

⁸ [Commission decision C\(2014\)3679 of 10/06/2014](#)

⁹ [Commission decision C \(2012\) 4290 of 27/06/2012](#)

¹⁰ Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

¹¹ Commission Delegated Regulation (EU, Euratom) 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).

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HAS DECIDED AS FOLLOWS:

Article 1

Financial contribution

1. A financial contribution of the European Union to the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa' (hereinafter the "**Trust Fund**") is set at EUR 1 000 000 000 financed from the reserve of the 11th European Development Fund in accordance with Article 2c) of the 11th EDF Internal Agreement.

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Out of this funding, two thirds shall be allocated to the Sahel region and the Lake Chad Basin, and one third to the Horn of Africa region.

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2. A further financial contribution to the Trust Fund is set at a maximum EUR 376 400 000 from the following programmes under the 11th EDF:

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- EUR 200 000 000 from the 11th EDF Regional Indicative Programme for West Africa 2014-2020;
- EUR 50 000 000 from the 11th EDF Regional Indicative Programme for Eastern Africa, Southern Africa and the Indian Ocean 2014-2020;
- EUR 10 000 000 from the 11th EDF Regional Indicative for Central Africa 2014-2020;
- EUR 30 000 000 from the 11th EDF National Indicative Programme for Ethiopia 2014-2020;

3. A financial contribution is set at EUR 86 400 000 from the Special Support Programme for the South Sudan Development Plan for the period 2011 to 2013 in accordance with Commission decision C (2012) 4290.

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

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The Constitutive Agreement signed with the donors defines the objectives, its duration and the rules and procedures applying to the management and governance of the Trust Fund.

Article 3

Non-substantial changes

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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 as well as extensions of the implementation period shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the actions.

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

Article 4

Payment modalities and review

Payment allocations from the reserve referred to in Article 1(1), shall be grouped in three tranches of the following amounts:

First tranche: EUR 450 million

Second tranche: EUR 300 million

Third tranche: EUR 250 million

The geographical split mentioned in article 1 may be revisited through a Commission decision before drawing from the second and third tranches, adopted in accordance with the procedures laid down in article 14 of Council Regulation (EU) 2015/322 on the implementation of the 11th EDF.

Done at Brussels,

For the Commission
Neven Mimica
Member of the Commission