



EUROPEAN
COMMISSION

Brussels, **XXX**
[...] (2016) **XXX** 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 Fund¹ and in particular Article 9(3) thereof,

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,

Whereas:

- (1) The Communication of 7 June 2016, represent a step further to put migration at the centre of the EU's relations with third countries, in particular the African partner countries, and respond to the idea that a more structured and systematic approach to bring together the external aspects of EU policies, and coordination with Member States are needed to maximise the leverage and effectiveness of EU action in support of third countries' efforts to manage migration.
- (2) The Partnership Frameworks with selected African countries will contribute to achieve short-term objectives to manage migration flows, with the aim to save lives in the Mediterranean Sea, to increase the rate of returns to countries of origin and transit and to enable migrants and refugees to find sustainable economic and social opportunities that provide alternative options to taking dangerous journeys. In parallel, the Partnership Frameworks will also support achieving long-term objectives to address the political, economic, social, or environmental factors that constitute root causes of migration.
- (3) On 20 October 2015, the Commission adopted Decision C(2015) 7293 on the establishment of an EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (hereinafter the "EU Emergency Trust Fund for Africa").
- (4) The Commission adopted Decision C(2015) 7283 to mobilise a financial contribution of the European Union to the EU Emergency Trust Fund for Africa amounting to EUR 1 000 000 000 financed from the reserve of the 11th European Development Fund (EDF) in accordance with Article 2(c) of the 11th EDF Internal Agreement.²

¹ OJ L 58, 3.3.2015, p. 1.

² 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

- (5) The overall objective and purpose of the EU Emergency Trust Fund for Africa is to address the crises in the Sahel and Lake Chad region, the Horn of Africa region and the North of Africa. It supports all aspects of stability, contributes to better migration management, and addresses the root causes of destabilisation, forced displacement and irregular migration, in particular by promoting resilience, economic and equal opportunities, security and development and addressing human rights' abuses.
- (6) The EU Emergency Trust Fund for Africa complements existing instruments by providing a swift and flexible answer to migration challenges thus contributing to achieving the common goals and interests of the EU and its African partners in managing migration flows and promoting stability..
- (7) As indicated in Commission Communication on a new Partnership Framework³ and the European Council conclusions of 28 June 2016 on migration⁴, the EU will support a variety of short-term actions to address objectives of the new partnerships and to implement a long-term strategy to address root causes of irregular migration and forced displacement.
- (8) It is therefore opportune to mobilise additional funds provided for in Article 2(c) of the 11th EDF Internal Agreement. The expenditure of these funds through the EU Emergency Trust Fund for Africa 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 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 (ACP-EU Partnership Agreement).
- (9) This decision is in accordance with the Council Decision 2010/427/EU10 on establishing the organisation and functioning of the European External Action Service (EEAS), and in particular the provisions of Article 9 regarding the division of competences between Commission services and the EEAS on external action instruments and the programming.
- (10) 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 applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323.
- (11) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 26 of Regulation (EU) 2015/323, 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
- (12) The measures provided in this Decision are in accordance with the opinion of the EDF Committee set up by Article 8 of the 11th EDF Internal Agreement.

HAS DECIDED AS FOLLOWS:

Article 1

Financial Contribution

Territories to which Part Four of the Treaty on the Functioning of the European Union applies, OJ L 210, 6.8.2013, p. 1.

³ COM(2016) 385 final

⁴ EUCO 26/16

A financial contribution of the European Union to the EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced person in Africa (hereinafter the "Trust Fund") is set at EUR 500 000 000 financed from the reserve of the 11th European Development Fund (EDF) in accordance with Article 2(c) of the 11th EDF Internal Agreement.

Article 2

Implementation modalities

The Trust Fund shall implement the contribution set out in Article 1 as decided by the Constitutive Agreement.

Article 3

Non-substantial changes

Increases or decreases of up to EUR 10 000 000 of the contributions of the European Union to the Trust Fund, not exceeding 20% of the contribution set by 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 within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 26 or Regulation (EU) 2015/323, 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.

Done at Brussels,

For the Commission
Neven Mimica
Member of the Commission