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## 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 11<sup>th</sup> 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 11<sup>th</sup> 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 11<sup>th</sup> European Development Fund<sup>1</sup>, 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 11<sup>th</sup> European Development Fund<sup>2</sup>, and in particular Article 26 and 42 thereof,

Whereas:

- (1) On 20 October 2015, the Commission adopted Decision C(2015)7293 for the establishment of the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (hereinafter the "Trust Fund"), for a duration of five years.
- (2) The objectives pursued by this Trust Fund are to address the crises in the regions of the Sahel and the Lake Chad, the Horn of Africa, and the North of Africa. It supports all aspects of stability and contributes to better migration management as well as addressing the root causes of destabilisation, forced displacement, irregular migration, in particular by promoting resilience, economic and equal opportunities, security and development.
- (3) The extremely difficult conditions in the Horn of Africa, which, inter alia, justified the establishment of the Trust Fund continue to be experienced: growing challenges of demographic pressure, environmental stress notably leading to drought and displacement, extreme poverty, internal tensions, institutional weaknesses, weak social and economic infrastructures, and insufficient resilience to natural and man-made disasters. Security challenges are still enormous, in particular, in the very fragile contexts of South Sudan and Somalia, with spillovers in neighbouring countries.
- (4) The major displacement movements in the Horn of Africa region continue to take place in dangerous, often conflict-affected areas, essentially located in underdeveloped peripheries. Lack of resources, infrastructure, insufficient resilience to food crisis, absence of state presence and lawlessness offer ample ground for a variety of security related issues, such as: violent conflict, radicalisation often leading to violent extremism, internally forced displacement, the operation of criminal networks and the trafficking in human beings as well as smuggling of migrants. The Trust Fund has developed an approach to peripheral areas that tackles these challenges. The security policy dimension of resilience, including work on conflict prevention and countering

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<sup>1</sup> OJ L 58, 3.3.2015, p. 1.

<sup>2</sup> OJ L 58, 3.3.2015, p. 17.

hybrid threats, is fully captured in the recent Joint Communication on "A Strategic Approach to Resilience in the EU's External Action"<sup>3</sup> (June 2017) which the Trust Fund is taking on board. The approach undertaken by the Trust Fund needs to be sustained to consolidate the gains achieved by ongoing projects.

- (5) Given the above, it is considered that the Horn of Africa region is facing exceptional circumstances which justify the mobilisation of additional funding through a dedicated special measure. 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 11<sup>th</sup> European Development Fund (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 (ACP) 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 nor an ACP State. Both countries have therefore no access to programmable resources under the 11<sup>th</sup> EDF, 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 11<sup>th</sup> EDF Implementing Regulation, governing the specific situation of each country, are met.
- (6) In accordance with Article 5 of Annex IV to the Cotonou Agreement and Articles 6 and 7 of Council Regulation (EU) 2015/322, the Commission has undertaken a mid-term review of the National Indicative Programmes and Regional Indicative Programmes of the Horn of Africa region, which concluded in a contribution from the EDF of EUR 150 000 000 to the Trust Fund.
- (7) With this special measure, funds originally foreseen to be implemented through the National Indicative Programmes and Regional Indicative Programmes of the Horn of Africa region, would be reallocated to reinforce the Trust Fund. It is opportune to mobilise these funds foreseen under Art. 2(c) of the 11<sup>th</sup> EDF Internal Agreement<sup>4</sup>. 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 11<sup>th</sup> EDF.
- (8) The envisaged assistance is deemed to strictly comply with the conditions and procedures set out by the EU restrictive measures concerning the countries of the regions of the Sahel and the Lake Chad, the Horn of Africa, and the North of Africa that are under those measures.
- (9) 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<sup>5</sup>, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323.

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<sup>3</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/27711/A%20Strategic%20Approach%20to%20Resilience%20in%20the%20EU%27s%20External%20Action](https://eeas.europa.eu/headquarters/headquarters-homepage_en/27711/A%20Strategic%20Approach%20to%20Resilience%20in%20the%20EU%27s%20External%20Action)

<sup>4</sup> 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).

<sup>5</sup> 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 (OJ L 362, 31.12.2012, p. 1).

- (10) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012<sup>6</sup>, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, any substantial change to a financing decision that has already been adopted should follow the same procedure as the initial decision. It is therefore appropriate that the Commission defines changes to this Decision that are considered non-substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (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 11<sup>th</sup> EDF Internal Agreement.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### **Financial contribution**

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 a maximum of EUR 150 000 000 and shall be financed from the 11<sup>th</sup> European Development Fund. The entirety of this amount will be allocated to the Horn of Africa window of this Trust Fund.

#### *Article 2*

##### **Implementation modalities**

The Trust Fund shall implement the contribution either:

- directly (i) by the Commission's services, including its staff in the Union Delegations under the authority of their respective Head of Delegation, (ii) or through executive agencies;
- or 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 latter provide adequate financial guarantees.

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**

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 within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, shall not be considered substantial, provided that they do not significantly affect the nature and objectives

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<sup>6</sup> 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).

of the actions. The use of contingencies shall be taken into account in the ceiling set by this Article.

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*