



Brussels, 30.3.2016
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COMMISSION IMPLEMENTING DECISION

of 30.3.2016

**financing the distribution of dairy products as part of the response to humanitarian
crises from the general budget of the European Union**

(ECHO/-ME/BUD/2016/01000)

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THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid¹, and in particular Article 15(3) 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) The number of people affected by humanitarian crises has reached unprecedented figures. People are internally displaced or need to seek asylum and refuge in countries other than their own as a result of complex and protracted crises, in particular the conflicts affecting Syria and Iraq. By way of example, it was estimated in December 2015 that around 6.5 million Syrians were internally-displaced, while more than four million Syrians were refugees in neighbouring countries and North Africa. There is no sign that such alarming trends will abate in the near future.
- (2) People affected by humanitarian crises display a variety of basic needs, among which those concerning food and nutrition. Humanitarian assistance should be supplied with a view to meeting those needs.
- (3) To reach people in need, humanitarian aid should be channelled through non-governmental organisations or international organisations including United Nations agencies. The Commission should therefore implement the budget either by direct management or by indirect management.
- (4) The commitment appropriations are available for one single year in 2016 but an assessment of the humanitarian situation leads to the conclusion that the period for the implementation of the action may extend for a period of up to 24 months
- (5) This Decision covers all countries where internally displaced persons, refugees or other vulnerable people affected by humanitarian crises may need nutritional assistance in the form of distribution of dairy products. Those countries include, *inter alia*, Syria and neighbouring countries.

¹ OJ L 163, 2.7.1996, p. 1.

² OJ L 298, 26.10.2012, p. 1.

- (6) Dairy products to be distributed under actions financed under this Decision should originate in the Union, irrespective of the place where they are procured. Any such procurement should occur at regular market prices.
- (7) Pursuant to Article 130 of Regulation (EU, Euratom) No 966/2012, and in view of the specific nature of the humanitarian situation, expenditure incurred before the date of submission of a proposal for action should be eligible for Union funding.
- (8) Drinking milk constitutes the type of dairy products that would appear to best suit the food and nutrition needs of internally displaced persons, refugees and other vulnerable people affected by humanitarian crises, as its treatment makes it suitable for human consumption over a long period and allows for its consumption on a stand alone basis, without there being a need to add water, the quality of which cannot always be guaranteed up to the required standard in all parts of the intended countries of intervention.
- (9) It is estimated that an amount of EUR 30 000 000 from budget article 05 02 12 09 of the general budget of the European Union is necessary to provide humanitarian assistance, in the form of distribution of drinking milk, to internally displaced persons, refugees and other vulnerable people affected by humanitarian crises, taking into account the available budget, other donors' contributions and other factors. Although as a general rule actions financed under this Decision should be co-financed, the Authorising Officer should be able to agree to the financing of actions in full, in accordance with Article 277 of Commission Delegated Regulation (EU) No 1268/2012³.
- (10) This Decision complies with Article 94 of Commission Delegated Regulation (EU) No 1268/2012.
- (11) This Decision complies with the condition laid down in Article 10.4(b) of the World Trade Organization Agreement on Agriculture. There is no reason to believe that the intended distribution would harm local production in Syria and its neighbouring countries, as the quantities concerned are in effect marginal when considered in the context of local demand, as exacerbated by the massive influx of internally displaced persons or refugees, as the case may be.
- (12) The measure provided for in this Decision are in accordance with the opinion of the Committee established by Article 17(1) of Regulation (EC) No 1257/96,

HAS DECIDED AS FOLLOWS:

Article 1

1. A maximum amount of EUR 30 000 000 from budget article 05 02 12 09 of the 2016 general budget of the European Union is approved for the financing of the distribution of drinking milk of European Union origin as part of the response to humanitarian crises.
2. The humanitarian actions financed under this Decision shall be implemented in order to address food and nutrition needs of internally displaced persons, refugees and other vulnerable people affected by humanitarian crises.

³ 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).

3. The Authorising Officer may decide on non-substantial changes in accordance with Article 94(4) of Delegated Regulation (EU) No 1268/2012. Accordingly, if necessary in the light of changing circumstances, the maximum contribution authorised by this Decision may be increased by a maximum of 20% of the amount specified in paragraph 1.

Article 2

1. The period for the implementation of each action financed under this Decision shall start on the date specified in the relevant agreement and may last up to 24 months.
2. Pursuant to Article 130 of Regulation (EU, Euratom) No 966/2012, and in view of the specific nature of humanitarian aid, expenditure incurred before the date of submission of a proposal for action may be eligible for Union funding.
3. If the implementation of individual actions is suspended owing to force majeure or other exceptional circumstances, the period of suspension shall not be taken into account in the implementing period of the action suspended.
4. In accordance with the contractual provisions of the agreements, the Commission may consider eligible those costs arising and incurred after the end of the implementing period of the action which are necessary for its winding-up.

Article 3

1. Actions financed under this Decision shall, in principle, be co-financed.
The Authorising Officer may agree to the full financing of actions, in accordance with Article 277 of Delegated Regulation (EU) No 1268/2012, where necessary to achieve the objectives of this Decision and with due consideration to the nature of the activities to be undertaken, the availability of other donors and other relevant operational circumstances.
2. Actions financed under this Decision shall be implemented either by non-governmental organisations, which fulfil the eligibility and suitability criteria laid down in Article 7 of Regulation (EC) No 1257/96, or by international organisations.
3. The Commission shall implement the budget:
 - (a) by direct management, with non-governmental organisations; or
 - (b) by direct or indirect management, with international organisations that are signatories to the Framework Partnership Agreement or the Financial Administrative Framework Agreement with the UN and have been subject to the *ex ante* assessment in accordance with Article 61 of Regulation (EU/Euratom) No 966/2012.

Article 4

The amount of EUR 30 000 000 shall be conditional upon the necessary funds being available under the 2016 general budget of the European Union.

Done at Brussels, 30.3.2016

For the Commission
Christos STYLIANIDES
Member of the Commission