



EUROPEAN
COMMISSION

Brussels, 7.9.2022
C(2022) 6535 final

COMMISSION DECISION

of 7.9.2022

on the financing of a special measure for humanitarian assistance in favour of Africa, Caribbean and Pacific (ACP) countries to be financed from the 10th and 11th European Development Funds (EDF) following Russia's war of aggression against Ukraine for 2022

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on the financing of a special measure for humanitarian assistance in favour of Africa, Caribbean and Pacific (ACP) countries to be financed from the 10th and 11th European Development Funds (EDF) following Russia's war of aggression against Ukraine for 2022

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) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund, and repealing Regulation (EU) 2015/323², and in particular Article 24 thereof,

Whereas:

- (1) Following Russia's war of aggression against Ukraine, the food security situation in the world is rapidly deteriorating and many of the countries affected are least developed countries or low-income, food-deficit countries.
- (2) The European Council, in its 24-25 March 2022 conclusions³, invited the Commission to prioritise work on global food security and affordability, notably by supporting food security and agriculture in Ukraine and in the most vulnerable and exposed third countries.
- (3) The European Council, in its 30-31 May 2022 conclusions⁴, invited the Commission to explore the possibility of mobilising reserves from the European Development Fund to support the most affected vulnerable and exposed Africa, Caribbean and Pacific (ACP) countries.
- (4) The Council, in its 20 June 2022 conclusions⁵, called on the Commission to prioritise financial support to address global food security including immediate humanitarian needs, comprising financial and technical assistance for food-importing countries where necessary, as well as medium to long-term sustainable food systems and enhanced local production for better resilience, exploring all available funding sources, including mobilising reserves from the European Development Fund.
- (5) Council Decision (EU) 2022/1223⁶ allows for the allocation of funds de-committed from projects under the 10th and 11th European Development Funds for the purpose

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 307, 3.12.2018, p. 1.

³ <https://data.consilium.europa.eu/doc/document/ST-1-2022-INIT/en/pdf>.

⁴ <https://www.consilium.europa.eu/media/56562/2022-05-30-31-euco-conclusions.pdf>.

⁵ <https://data.consilium.europa.eu/doc/document/ST-10066-2022-INIT/en/pdf>.

⁶ Council Decision (EU) 2022/1223 of 12 July 2022 concerning the allocation of funds de-committed from projects under the 10th and 11th European Development Funds for the purpose of financing

of financing actions addressing the food security crisis and economic shock in ACP countries following Russia's war of aggression against Ukraine.

- (6) The Union is close to full implementation of the 2022 initial humanitarian aid budget towards food security and related needs in ACP countries identified before the start of Russia's war of aggression against Ukraine. Given the exceptionally dire food security situation in ACP countries, additional measures that cannot be financed from the general budget of the Union are necessary to respond to the further exacerbation of humanitarian needs resulting from Russia's war of aggression against Ukraine and to ensure continuity of cooperation from crisis to stable conditions for development.
- (7) In order to ensure the implementation of a special measure in favour of ACP countries following Russia's war of aggression against Ukraine, it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council⁷, applicable in accordance with Article 24(1) of Regulation (EU) 2018/1877, establishes detailed rules on financing decisions.
- (8) The objectives pursued by the special measure to be financed under the 10th and 11th European Development Fund (EDF) Internal Agreement⁸ ("the Internal Agreement") are to provide humanitarian food assistance and emergency nutrition assistance to people affected by the severe food insecurity crisis following Russia's war of aggression against Ukraine.
- (9) In accordance with the selection criteria proposed in Council Decision (EU) 2022/1223, this decision will fund humanitarian assistance targeting highly food-insecure populations in most affected ACP countries and regions with specific focus on West and Central Africa⁹, East and Southern Africa¹⁰ in relation to the regional Burundi refugee crisis, the Horn of Africa region¹¹, and the Caribbean region¹².
- (10) According to Article 1(3) of Council Decision (EU) 2022/1223, the Commission may use an envelope for support expenditure, in accordance with the provisions of Article 6(2) of the Internal Agreement.
- (11) The envisaged provision of humanitarian assistance is to comply with the conditions and procedures set out by the restrictive measures¹³ adopted pursuant to Article 215

actions addressing the food security crisis and economic shock in African, Caribbean and Pacific (ACP) countries following Russia's war of aggression against Ukraine (OJ L 188, 15.7.2022, p. 147).

⁷ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁸ 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).

⁹ Burkina Faso, Cameroon, Central African Republic, Chad, Mali, Mauritania, Niger and Nigeria.

¹⁰ Democratic Republic of the Congo, Burundi, Rwanda and Tanzania.

¹¹ Kenya, Djibouti, Ethiopia, Somalia, Sudan, South Sudan, Madagascar, Mozambique and Zimbabwe.

¹² Haiti and the Dominican Republic.

¹³ <http://www.sanctionsmap.eu>. Note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy, the OJ prevails.

TFEU, account being taken of the relevant principles of international humanitarian law.

- (12) Pursuant to Article 195(a) of Regulation (EU, Euratom) 2018/1046, applicable in accordance with Article 32 of Regulation (EU) 2018/1877, it is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (13) Pursuant to Article 15 of Regulation (EU) 2018/1877, indirect management is to be used for the implementation of the programme.
- (14) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of Regulation (EU, Euratom) 2018/1046, applicable in accordance with Article 30(1) of Regulation (EU) 2018/1877.
- (15) To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of Regulation (EU, Euratom) 2018/1046¹⁴ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046, applicable in accordance with Article 30(1) of Regulation (EU) 2018/1877, before a contribution agreement can be signed.
- (16) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046, applicable in accordance with Articles 24(2) and 25 of Regulation (EU) 2018/1877.
- (17) In order to allow for flexibility in the implementation of the measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046, applicable in accordance with Article 24(2) of Regulation (EU) 2018/1877.
- (18) The measure provided for in this Decision are in accordance with the opinion of the EDF Committee established under Article 8 of the Internal Agreement,

HAS DECIDED AS FOLLOWS:

Article 1 *The measure*

The financing decision, constituting the special measure in favour of African, Caribbean and Pacific (ACP) countries for 2022, as set out in the Annexes, is hereby adopted.

The measure includes the following actions:

- “Humanitarian actions in favour of African, Caribbean and Pacific (ACP) countries following Russia’s war of aggression against Ukraine”, as set out in Annex I.
- “Support expenditure incurred by the Commission for financing actions addressing the food security crisis and economic shock in African, Caribbean and Pacific (ACP) countries following Russia’s war of aggression against Ukraine”, as set out in Annex II.

¹⁴ Except for the cases referred to in Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide not to require an ex-ante assessment.

Article 2
Union Contribution

The maximum Union contribution for the implementation of the humanitarian assistance measure is set at EUR 150 000 000 and shall be financed from the 10th and 11th European Development Funds.

The appropriations provided for in the first paragraph may also cover interest due for late payment.

Article 3
Methods of implementation and entrusted entities or persons

The implementation of the actions carried out by way of indirect management may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5 of Annex I.

Article 4
Flexibility clause

Increases or decreases not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution shall not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046, applicable in accordance with Article 24(2) of Regulation (EU) 2018/1877, provided that these changes do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may apply the changes referred to in the first paragraph, acting in accordance with the principles of sound financial management and proportionality.

Article 5
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in Annex I. The estimated amount for each country and possible partner is indicated in the table in section 5.5 of Annex I.

The eligibility of costs prior to the submission of grant applications, and which is prior to the date of adoption of this Decision, shall be authorised as of the date set out in Annex I.

Done at Brussels, 7.9.2022

For the Commission
Janez LENARČIČ
Member of the Commission