



Brussels, 15.10.2018
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COMMISSION IMPLEMENTING DECISION

of 15.10.2018

**on the financing of the special measure in favour of Yemen for "resilience" for year
2018 part 1 and for year 2019 part 1**

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THE EUROPEAN COMMISSION,

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

Having regard to 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 966/2012¹ and in particular Article 110 thereof,

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action², and in particular Article Article 2(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the special measure in favour of Yemen for "resilience", it is necessary to adopt a multiannual financing decision, which constitutes the multiannual work programme, for years 2018 and 2019. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (2) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³
- (3) The objective pursued by this special measure to be financed under the Development Cooperation Instrument⁴ is to contribute to strengthening the food and nutrition security and building up the resilience capacities of crisis-affected communities in Yemen.
- (4) The socio-political conditions in Yemen remain extremely fragile and uncertain. In this context, the drafting of a new multi-annual programming document has not been possible. In order to cope with the country needs, the Commission opted for implementing special measures.
- (5) The action entitled "Supporting Resilient Livelihoods for Food and Nutrition Security in Yemen" focuses on contributing to sustained improvements in food and nutrition

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 77, 15.3.2014, p. 95.

³ 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.

⁴ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, OJ L 77, 15.3.2014, p. 44.

security, reduced vulnerability and strengthened resilience capacity of crisis-affected communities in Yemen through creation of sustainable livelihoods and access to basic services. It will be implemented in indirect management with the United Nations Development Programme (UNDP), in consortium with other organisations of the United Nations, as well as the Food and Agriculture Organization (FAO).

- (6) Pursuant to Article 4(7) of Regulation (EU) No 236/2014 indirect management is to be used for the implementation of the programme.
- (7) 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.

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) 2018/1046⁵ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.

- (8) 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.
- (9) 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.
- (10) The measure provided for in this Decision was submitted for the opinion of the Development Cooperation Instrument Committee established under Article 19 of Regulation (EU) No 233/2014. The Committee did not express its opinion within the time-limit for the committee to deliver an opinion.

HAS DECIDED AS FOLLOWS:

Article 1

The measure

The multiannual financing decision, constituting the multiannual programme for the implementation of the special measure in favour of Yemen for "resilience" for year 2018 part 1 and for year 2019 part 1, as set out in the Annex, is adopted.

The measure shall include the following action:

- Annex: Supporting Resilient Livelihoods for Food and Nutrition Security in Yemen.

Article 2

Union contribution

The maximum Union contribution for the implementation of the measure for years 2018 and 2019 is set at EUR 41 000 000 and shall be financed from the appropriations entered in the following line of the general budget of the Union: 21.020400.

⁵ Except for the cases of Article 154(6) of the Financial Regulation, where the Commission may decide not to require an ex-ante assessment.

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

The implementation of this Decision is subject to the availability of the appropriations provided for in the general budget of the Union for 2019 following the adoption of that budget by the budgetary authority.

Article 3

Methods of implementation and entrusted entities or persons

The implementation of the actions carried out by way of indirect management, as set out in the Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5.3 of the Annex.

Article 4

Flexibility clause

Increases or decreases of up to EUR 10 000 000 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, as well as extensions of the implementation period shall not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046 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. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 15.10.2018

For the Commission

Neven Mimica

Member of the Commission