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**COMMISSION IMPLEMENTING DECISION**

**of 17.10.2018**

**on the financing of the special measure for "Building Rohingya refugees and host  
community resilience in Cox's Bazar" for 2018**

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## on the financing of the special measure for "Building Rohingya refugees and host community resilience in Cox's Bazar" for 2018

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 966/2012<sup>1</sup>, 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 action<sup>2</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the special measure for "Building Rohingya refugees and host community resilience in Cox's Bazar", it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2018. 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 TFEU<sup>3</sup>.
- (3) The Commission has adopted the "Multiannual Regional Indicative Programme for Asia for the period 2014-2020"<sup>4</sup>, which, following its revision after the mid-term review<sup>5</sup>, sets out the following priorities: "People – Migration and Forced Displacement", "Prosperity – Jobs and Growth", "Planet – Climate Change and Environment", and "Investment and Partnerships".
- (4) The Commission has adopted the "Multiannual Indicative Programme for the Thematic Programme on Global Public Goods and Challenges for the period 2018-2020"<sup>6</sup> which sets out the following priorities: "migration and asylum", "food and

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<sup>1</sup> OJ L 193, 30.7.2018, p.1.

<sup>2</sup> OJ L 77, 15.3.2014, p. 95

<sup>3</sup> [www.sanctionsmap.eu](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.

<sup>4</sup> C (2014)6112 of 03.09.2014

<sup>5</sup> C (2018)4741 of 20.7.2018, "Addendum No 1 to the Multiannual Indicative Programme for Asia for the period 2014-2020".

<sup>6</sup> C (2018)4919 of 30.07.2018

nutrition security and sustainable agriculture", "human development", "sustainable energy", and "environment and climate change".

- (5) The objectives pursued by this special measure to be financed under the Development Cooperation Instrument<sup>7</sup> are to contribute to strengthening the resilience of Rohingya refugees and their host communities in an integrated manner in Cox's Bazar District, in particular the action aims at improving access to effective basic services for Rohingya refugees and host communities.
- (6) A special measure is duly justified on grounds of urgency. The Rohingya refugee crisis has been ongoing since August 2017. The European Commission pledged EUR 15 000 000 to address the crisis from a development-led perspective in October 2017<sup>8</sup> – this Special Measure is the result of this pledge. There is an urgent need to alleviate the extremely high pressure on service-delivery capacity of the government and host communities more generally in Cox's Bazar – including in terms of land availability, inflation, pressure on labour market and availability of goods – and to assist Rohingya refugees and host communities in an inclusive manner to promote social cohesion and avoid conflict in the area of Cox's Bazar.
- (7) The action entitled “Building Rohingya refugee and host community resilience in Cox's Bazar” aims at: improving access to education services and learning opportunities - pre-school, primary education and non-formal technical education – in a protective environment for Rohingya refugees and host communities; enhancing food and nutrition security for Rohingya refugees and host communities and improving access to water and overall hygiene and sanitation conditions for Rohingya refugees and host communities.
- (8) The Commission should acknowledge and accept the contributions from other donors in accordance with Article 21(2) of Regulation (EU, Euratom) 2018/1046, subject to the conclusion of the relevant agreement. Where such contributions are not denominated in euro, a reasonable estimate of conversion should be made.
- (9) Pursuant to Article 4(7) of Regulation (EU) No 236/2014 indirect management is to be used for the implementation of the programme.
- (10) 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) 2018/1046<sup>9</sup> 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.

- (11) 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.

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<sup>7</sup> 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)

<sup>8</sup> 'The EU pledges additional €30 million for the Rohingya crisis at Geneva donors' conference', [http://europa.eu/rapid/press-release\\_IP-17-4086\\_en.htm](http://europa.eu/rapid/press-release_IP-17-4086_en.htm)

<sup>9</sup> Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an ex-ante assessment.

- (12) 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.
- (13) The measure provided for in this Decision is in accordance with the opinion of the Development Cooperation Instrument Committee established under Article 19 of Regulation (EU) No 233/2014,

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The measure*

The annual financing decision, constituting the annual measure for the implementation of the special measure for "Building Rohingya refugees and host community resilience in Cox's Bazar" for 2018, as set out in Annex, is adopted.

The measure shall include the following action: "Building Rohingya refugees and host community resilience in Cox's Bazar".

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the measure for 2018 is set at EUR 15 000 000 and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- (a) budget line 21.020705: EUR 10 000 000;
- (b) budget line 21.020200: EUR 5 000 000.

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, 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 5.3.1 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, 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, 17.10.2018

*For the Commission*  
*Neven Mimica*  
*Member of the Commission*