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**COMMISSION DECISION**

**of 25.4.2016**

**on a special support measure in favour of the people of the Republic of Sudan to be  
financed from the reserve of the European Development Fund**

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### **on a special support measure in favour of the people of the Republic of Sudan to be financed from the reserve of the European Development Fund**

THE EUROPEAN COMMISSION,

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

Having regard to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the one part, and the European Union and its Member States of the other part<sup>1</sup>, and in particular Articles 3(3) and 6(4) of Annex IV thereof,

Having regard to Council Regulation (EU) No 2015/322 of 2 March 2015<sup>2</sup> on the implementation of the 11<sup>th</sup> European Development Fund, and in particular Article 9(3) thereof,

Having regard to Council Regulation (EU) No /323/2015 of 2 March 2015<sup>3</sup> on the financial regulation applicable to the 11<sup>th</sup> European Development Fund, and in particular Article 26 thereof,

Whereas:

- (1) Sudan is an ACP State signatory to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the one part, and the European Union and its Member States of the other part (the "ACP-EU Partnership Agreement"), but it has not ratified the 2005 and 2010 revisions thereof. As a result, the Government of Sudan does not have access to programmable resources under the 10<sup>th</sup> and 11<sup>th</sup> European Development Funds.
- (2) Against the background of Sudan's non-ratification of the ACP-EU Partnership Agreement, and the needs of vulnerable people in conflict-affected areas (Darfur, Transitional areas and East Sudan), the European Union provided in 2010 an allocation of EUR 150 000 000 from de-committed funds from 9<sup>th</sup> and previous European Development Funds to address their basic needs in the areas of food security and delivery of basic services of education and health. This allocation has been fully committed since 2012; resilience-oriented projects in those sectors are on-going, and their period of implementation will end as from 2016.
- (3) It is important to continue with the policy of engagement with Sudan, in particular in conflict-affected areas, to increase the provision of basic services and improve livelihoods, in particular in the current context of deep economic crisis, reduced revenues derived from the transport and export of South Sudanese oil and lack of a diversified economy. This scenario is projected to continue in the short to medium term, exacerbated by on-going tensions and conflict between the centre and the periphery, and the negative impact of climate change. A continued EU engagement in Sudan with the European Development Funds is also a key tool to accompany, step up

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<sup>1</sup> OJ L 317, 15.12.2000, p. 3.

<sup>2</sup> OJ L58, 3.3.2015, p. 1.

<sup>3</sup> OJ L58, 3.3.2015, p. 17.

and sustain a stronger policy dialogue on issues of mutual interest, in particular migration.

- (4) Sudan is a country of transit at the heart of the Central Mediterranean Migratory Route linking East Africa with North Africa and Europe, hosting a significant number of refugees as well as the highest number of internally displaced population in Africa. It is therefore important to engage with Sudan for the implementation of the priority initiatives agreed upon at the Valletta Summit on migration on 11 and 12 November 2015, the implementation of the EU-Horn of Africa Migration Route Initiative (the "Khartoum process"), and the Regional Protection Programme for the Horn of Africa. It is key for the success of both these initiatives and this special measure that implementation takes place in a complementary manner, ensuring close coordination and regular dialogue in the design and implementation of activities. EU engagement with Sudan also has to be seen in the context of the recently approved EU Regional Action Plan on the Horn of Africa (October 2015), which focuses in particular on migration and forced displacement as well as violent extremism and implications of the broader geopolitical framework. This Action Plan provides the EU's strategic direction for our activities in 2015-20. A particular focus of the Action Plan is Peace and Security and addressing continuous conflict situations such as Sudan.
- (5) The special measure will focus on specific geographical areas that are entrenched in conflict, such as Darfur, Southern Kordofan and Blue Nile, or where peace is fragile such as East Sudan. These areas, notably Darfur and East Sudan, are also key transit points in the migratory routes used by irregular migrants and operated by criminal networks of traffickers of human beings and smugglers of migrants. The special measure will prioritise populations who are destitute, deprived of livelihoods and socio-economic opportunities, and at risk of being pushed into irregular migration and displacement, and falling prey to human traffickers and smugglers.
- (6) The multiple vulnerabilities of the Sudanese population transcend borders, and therefore their consequences have both national and regional impacts. This is due to a number of factors, amongst which the geographical position of Sudan is central, acting as a connector between the Sahel, North Africa and the Horn of Africa region, and with borders with Chad, Central African Republic, Libya, Egypt, South Sudan, Eritrea and Ethiopia; the concentration of marginalisation and exclusion in the peripheral areas, notably Darfur, East Sudan and the Transitional Areas; and the vast extension and porous nature of the borders, combined with limited state capacity to control them. Consequently, any response that aims to address the vulnerabilities in Sudan should also have a regional dimension.
- (7) The special measure will focus on the following sectors: (1) basic services (education, including technical vocational and education training, and health); (2) livelihoods, including the creation of economic opportunities, and food security; and (3) civil society, local governance and peace-building. The selection of sectors has followed a sequenced, inclusive and conflict sensitive approach, starting with a joint conflict analysis in November 2014 and continuing with a needs assessment during the first half of 2015.
- (8) The special measure will be implemented through the EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in

Africa, as established by the Commission on 20 October 2015<sup>4</sup> and officially launched at the Valletta Summit on migration on 11 and 12 November 2015.

- (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 by virtue of Article 26 of Regulation (EU) No 323/2015.
- (10) It is necessary to allow the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012, applicable by virtue of Articles 29(1) of Regulation (EU) No 323/2015.
- (11) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (12) The measures provided for in this Decision are in accordance with the opinion of the European Development Fund Committee set up by Article 8 of the 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 OCTs to which Part Four of the EC Treaty applies<sup>6</sup>.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### **Adoption of the measure**

The special support measure in favour of the people of the Republic of Sudan to be financed from the reserve of the European Development Fund for the year 2016, as set out in the Annex, is approved.

#### *Article 2*

##### **Financial contribution**

The maximum contribution of the European Union for the implementation of the measure referred to in Article 1 is set at EUR 100 000 000 and shall be financed from the reserve of the European Development Fund.

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

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<sup>4</sup> C(2015)7293

<sup>5</sup> 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).

<sup>6</sup> OJ L 210, 6.8.2013, p. 1

*Article 3*

**Implementation modalities**

The EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa, as established by the Commission on 20 October 2015<sup>7</sup>, shall implement the contribution as decided by this Commission Decision.

*Article 4*

**Non-substantial changes**

Increases or decreases of up to EUR 10 million not exceeding 20 % of the contribution set by 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 within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, provided that they do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 25.4.2016

*For the Commission*  
*Federica MOGHERINI*  
*Vice-President*

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<sup>7</sup> C(2015)7293