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COMMISSION IMPLEMENTING DECISION

of 23.11.2023

on the financing of the multiannual action plan in favour of Asia-Pacific region for 2023-2024 for migration, forced displacement and mobility

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union (TFEU),

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) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009², and in particular Article 23(2) thereof,

Whereas:

- (1) In order to ensure the implementation of the multiannual action plan in favour of Asia-Pacific region for 2023-2024 for migration, forced displacement and mobility, it is necessary to adopt a multiannual financing decision, which constitutes the multiannual work programme, for 2023-2024. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') 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 Commission has adopted the Multiannual Indicative Programme for the Asia-Pacific region for the period 2021-2027⁴, which sets out the following priority areas: regional integration and cooperation, pursuing EU interests with key partners, and migration, forced displacement and mobility.
- (4) The objectives pursued by the multiannual action plan to be financed under the Regulation (EU) 2021/947 geographic programme 'Asia and the Pacific' are to help position the EU as a partner of reference in the Asia-Pacific region and support partner countries in addressing key migration, forced displacement and mobility challenges, through human rights-based approaches, gender-responsive and child-sensitive policies and practices, as called for by the EU Pact on Migration and Asylum. This

¹ OJ L [193], [30.7.2018], p. [1].

² OJ L [209], [14.6.2021], p. [1].

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 Commission Implementing Decision adopting a multiannual indicative programme for the Asia Pacific region for the period 2021-2027, C(2021)9251 final of 15.12.2021.

includes the protection of migrants and forcibly displaced persons, sustainable reintegration of returnees; financial and social inclusion of forcibly displaced persons, fight against trafficking in human beings and smuggling of migrants, addressing root causes of irregular migration, promoting labour migration, and promoting evidence-based policy. The action provided for in Annex VIII of this Decision contributes to climate mainstreaming in line with the European Green Deal.

- (5) The action entitled ‘Rohingya Resilience Programme in Bangladesh’ pursues the specific objectives of improving (1) the effectiveness and efficiency of the Rohingya response in a gender-responsive and inclusive manner, (2) social cohesion and living conditions of Rohingya and host communities with particular attention to women and girls, and (3) the protection and empowerment of Rohingya, in particular women, children and most vulnerable groups (including persons with disabilities).
- (6) The action entitled ‘Preventing and addressing Trafficking in Human Beings and Smuggling of Migrants in South Asia’ pursues the specific objectives of (1) providing evidence-based strategy, policy and legal expertise in line with the UN Protocols on Trafficking in Human Beings and Smuggling of Migrants, gender equality, child rights and human rights obligations, (2) building rights-based and gender equal operational capacity to break the trafficking and smuggling business model, (3) activating and strengthening agency-to-agency communication and facilitating bilateral, regional and international cooperation on criminal justice matters between the relevant authorities of concerned countries in South Asia, and (4) enhancing empowerment and the protection environment of women and children that could be victims of trafficking in Human Beings and aggravated smuggling of migrants.
- (7) The action entitled ‘Ensuring Decent Work and Reducing Vulnerabilities for Women and Children in the Context of Labour Migration in Southeast Asia’ pursues the specific objectives of (1) strengthening regional frameworks and national legislation and policies for the protection of the rights of vulnerable groups, especially women and children in the context of labour migration, in line with international standards, (2) improving national and regional prevention and protection mechanisms to reduce violence and rights violations against vulnerable groups, especially women and children in the context of labour migration, including trafficking and smuggling, from a rights-based, gender-sensitive and child-responsive approach, (3) increasing the access of at-risk groups, women migrant workers and children in the context of labour migration, to information, services and collective initiatives to protect themselves from factors related to abuse, exploitation, harassment, violence and trafficking.
- (8) The action entitled ‘Migration, business and human rights in Asia: Promoting corporate responsibility and migrant worker’s rights in supply chains’ pursues the specific objectives to (1) strengthen labour migration governance, protection, and inclusion of migrant workers, of all ages and genders, in key migration corridors and employment sectors, (2) improve identification, prevention and mitigation by the private sector of human and labour rights risks experienced by migrant workers of all ages and genders, in supply chains, (3) enhance access to effective grievance and remediation mechanisms for migrant workers of all ages and gender and during all stages of migration.
- (9) The action entitled ‘Sustainable reintegration of returnees and improved migration management in Pakistan’ pursues the specific objectives to improve (1) the sustainable reintegration of Pakistani returnees, notably from the EU and transit countries, in a

gender and disability sensitive manner, and (2) human-rights based and gender-responsive reintegration policy and process for Pakistani returnees.

- (10) The action entitled ‘Supporting a Talent Partnership with Pakistan’ pursues the specific objective to improve, in alignment with international gender and human rights standards, the effectiveness of institutions and systems promoting legal and safe migration and mobility between the EU and Pakistan, within a Talent Partnership.
- (11) The action entitled ‘Supporting a Talent Partnership with Bangladesh’ pursues the specific objectives to (1) set in motion and maximise the effectiveness of the Talent Partnership between the EU and Member States in Bangladesh while making sure that labour mobilities are in line with international labour rights and gender equality, human rights and disabilities standards, and (2) improve legal, institutional and regulatory frameworks for legal migration and mobility between the EU and Bangladesh, making sure they are in line with international labour rights and gender equality standards.
- (12) The action entitled ‘Durable solutions for displaced and vulnerable populations in Iraq’ pursues the specific objectives to improve (1) economic inclusion and access to decent employment in climate-resilient, low-carbon and energy-efficient agri-food and construction sectors including for displaced persons (IDPs, refugees, returnees), youth, women and persons living in vulnerable situations; (2) relevant labour market technical skills for the climate-resilient hospitality and low-carbon construction sectors acquired by students, including for displaced persons (IDPs, refugees, returnees), women and persons living in vulnerable situations; and (3) transparency, accountability, effectiveness and inclusiveness of institutions, including oversight by parliament and civil society.
- (13) 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 the Financial Regulation. 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 the Financial Regulation⁵ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (14) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of the Financial Regulation.
- (15) In order to allow for flexibility in the implementation of the action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (16) The action plan provided for in this Decision is in accordance with the opinion of the NDICI-Global Europe Committee established under Article 45 of Regulation (EU) 2021/947.

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

HAS DECIDED AS FOLLOWS:

Article 1
The action plan

The multiannual financing decision, constituting the multiannual action plan for the implementation of the multiannual action plan in favour of Asia-Pacific region for 2023-2024 for migration, forced displacement and mobility, as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- (a) Rohingya Resilience Programme in Bangladesh, set out in Annex I;
- (b) Preventing and addressing Trafficking in Human Beings and Smuggling of Migrants in South Asia, set out in Annex II;
- (c) Ensuring Decent Work and Reducing Vulnerabilities for Women and Children in the Context of Labour Migration in Southeast Asia, set out in Annex III;
- (d) Migration, business and human rights in Asia: Promoting corporate responsibility and migrant worker's rights in supply chains, set out in Annex IV;
- (e) Sustainable reintegration of returnees and improved migration management in Pakistan, set out in Annex V;
- (f) Supporting a Talent Partnership with Pakistan, set out in Annex VI;
- (g) Supporting a Talent Partnership with Bangladesh, set out in Annex VII;
- (h) Durable solutions for displaced and vulnerable populations in Iraq, set out in Annex VIII.

Article 2
Union Contribution

The maximum Union contribution for the implementation of the action plan for 2023 is set at EUR 115 000 000, and shall be financed from the appropriations entered in the following lines of the general budget of the Union :

- (a) budget line BGUE-B2023-14.020130 (Middle East and Central Asia): EUR 40 000 000;
- (b) budget line BGUE-B2023-14.020131 (South and East Asia): EUR 18 000 000.
- (c) budget line BGUE-B2024-14.020131 (South and East Asia): EUR 57 000 000.

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 2024 following the adoption of that budget by the budget 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 Annexes may be entrusted to the entities or persons referred to or selected in accordance

with the criteria laid down in point 4.3.2 of the Annexes I and VIII, and point 4.3.1 of the Annexes II, III, IV, V, VI, and VII.

Article 4
Flexibility clause

Increases or decreases of up to EUR 10 000 000 and not exceeding 20% of the contribution set in the first paragraph of Article 2 considering each financial year separately, or cumulated changes⁶ 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 the Financial Regulation, 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, 23.11.2023

For the Commission
Jutta URPILAINEN
Member of the Commission

⁶ These changes can come from assigned revenue made available after the adoption of the financing decision.