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COMMISSION DECISION

of 20.3.2017

amending Commission Decision C(2014)3715 of 11 June 2014 on the adoption of the National Indicative Programme for Somalia and on an individual measure in favour of Somalia to be financed from the reserve of the 11th European Development Fund

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amending Commission Decision C(2014)3715 of 11 June 2014 on the adoption of the National Indicative Programme for Somalia and on an individual measure in favour of Somalia to be financed from the reserve of the 11th 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 part¹, and in particular Articles 3(3) and 6(4) of Annex IV thereof,

Having regard to Council Regulation (EU) 2015/322 of 2 March 2015² on the implementation of the 11th European Development Fund, and in particular Articles 6(2) and 7(2) thereof,

Having regard to Council Regulation (EU) 2015/323 of 2 March 2015³ on the financial regulation applicable to the 11th European Development Fund, and in particular Article 26 thereof,

Whereas:

- (1) Commission Decision C(2014)3715 of 11 June 2014 allocates to Somalia an amount of EUR 286 000 000 EUR for the National Indicative Programme for the period 2014 to 2020 referred to in Article 3.2 (a) of Annex IV of the Cotonou Agreement (A allocation).
- (2) Somalia's security and stability is vital for the larger Horn of Africa and beyond. Somalia is the main theatre of action for Al-Shabaab, a terrorist organisation which poses threats both within the country and the wider region. Somalia is an important source and transit country of migration. Continued instability can directly affect the EU through migration, spill-over of conflicts, organised crime, proliferation of small arms and light weapons as well as terrorism.
- (3) The EU has been a lead actor in supporting Somalia's recovery and stabilisation through the New Deal Compact. The EU leadership role and influence in this context needs to be continued. With the Annual Action Programme (AAP) 2016 for Somalia, the 11th EDF allocation will be committed by the end of 2016. Thus, without further funding, most of the EU cooperation would drastically be reduced in 2018 in a critical period for Somalia.
- (4) To ensure that current achievements in Somalia are consolidated and further expanded in the new federal states, it is important to maintain our current level of engagement and support a promising itinerary of change and stabilisation of Somalia. The EU's strategic objective is to contribute to the stabilisation of Somalia and to the quick delivery of tangible peace dividends to the population. Sustained support to

¹ OJ L 317, 15.12.2000, p. 3.

² OJ L58, 3.3.2015, p. 1.

³ OJ L58, 3.3.2015, p. 17.

stabilisation is needed to extend the State authority and legitimacy to neglected or newly recovered areas (especially as they might be the main areas for returnees from Dadaab) and prevent a comeback of AS. Its successful implementation involves linking immediate actions to long term plans.

- (5) In accordance with Article 5 of Annex IV to the Cotonou Agreement and articles 6 and 7 of Council Regulation (EU) 2015/322, the Commission has undertaken an ad-hoc review of the National Indicative Programme of Somalia that concluded in a development cooperation strategy for 2017-2020. In addition, on the basis of article 9 of Council regulation (EU) 2015/322 the Commission is adopting an individual measure of EUR 200 000 000 to implement the strategy, to be financed through the corresponding additional allocation to the National Indicative Programme.
- (6) The individual measure sets out three pillars that together address the root causes of destabilisation, forced displacement and irregular migration and contribute and assist Somalis to realise the vision developed in the National Development Plan (NDP) *"to accelerate socio-economic transformation in order to achieve the stated objectives for poverty alleviation, economic revival and societal transformation in a socially just and gender equitable manner"*.
- (7) The individual measure will focus on the following pillars: (1) Build effective and sustainable responses to security challenges); (2) Respond to vulnerabilities and create economic opportunities and (3) Build state legitimacy and responsiveness, and democratic governance.
- (8) The individual measure will be implemented through the EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and forced displacement in Africa (hereinafter: "the Trust Fund"), as established by the Commission on 20 October 2015⁴ and officially launched at the Migration Summit in La Valletta 12 November 2015.
- (9) The overall objective and purpose of the Trust Fund is to address the crises in the regions of the Sahel and the Lake Chad, the Horn of Africa, and the North of Africa. It will support all aspects of stability and contribute to better migration management, as well as addressing the root causes of destabilisation, forced displacement and irregular migration, in particular by promoting resilience, economic and equal opportunities, security and development and addressing human rights' abuses. The Trust Fund is established for a limited period, until 31 December 2020 in order to provide a medium-term response to the challenges of the regions.
- (10) The Trust Fund and the development cooperation strategy for Somalia for the period 2017-2020, to be implemented through the individual measure, share the common objectives of promoting peace, security, conflict prevention and resolution, and of contributing and assisting Somalia to accelerate socio-economic transformation in order to achieve poverty alleviation, economic revival and societal transformation in a socially just and gender equitable manner. As a result, the Trust Fund appears as the most appropriate and innovative financial instrument to implement the individual measure.

⁴

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- (11) 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 1268/2012⁵ applicable in accordance with Article 26 of Regulation (EU) 2015/323.
- (12) 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 in accordance with Article 29(1) of Regulation (EU) 2015/323.
- (13) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 26 of Regulation (EU) 2015/323, 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.
- (14) 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 Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies⁶.

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

1. The following paragraph is added to the sole article of Commission Decision C(2014)3715 of 11 June 2014 :

The addendum N°1 to the National Indicative Programme between Somalia and the European Union for the period from 2014 to 2020 is adopted on behalf of the European Union.

The addendum is contained in the Annex 1 to this Decision.

2. The individual measure in favour of Somalia to be financed from the reserve of the 11th European Development Fund, as set out in Annex 2, is approved.

Article 2

Financial contribution

The maximum contribution of the European Union for the implementation of the measure referred to in Article 1.2 is set at EUR 200 000 000 and shall be financed from the reserve of the 11th European Development Fund.

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

⁵ 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).

⁶ OJ L 210, 6.8.2013, p. 1

Article 3

Implementation modalities

The EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and forced displacement in Africa, as established by the Commission on 20 October 2015, shall implement the individual measure as decided by this Commission Decision.

Article 5

Non-substantial changes

Increases or decreases of up to EUR 10 000 000 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, applicable in accordance with Article 26 of Regulation (EU) 2015/323, 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, 20.3.2017

For the Commission

Neven Mimica

Member of the Commission