



Brussels, 17.12.2021
C(2021) 9317 final

COMMISSION IMPLEMENTING DECISION

of 17.12.2021

**on the financing of a special measure in favour of an Emergency response to the
Virunga–North Kivu triple crisis**

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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) 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(4) thereof,

Whereas:

- (1) In order to ensure the implementation of the special measure for an emergency response to the Virunga-North Kivu triple crisis, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2021. 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 action provided for in this Decision contributes to climate and biodiversity mainstreaming in line with the European Green Deal and the inter-institutional agreement⁴.
- (4) The objectives pursued by the annual special measure to be financed under the Instrument's Global Challenges thematic programme are to support the recovery of Virunga National Park and the North-Kivu province, increase the resilience of local communities and develop a green transformative economy in the region.
- (5) This non-programmed special measure is justified on the grounds of Article 23(4) of Regulation (EU) 2021/947. More particularly, it results from unforeseen needs and

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 209, 14.6.2021, p.1.

³ The list of EU restrictive measure (sanctions) is reflected in the www.sanctionsmap.eu. Note that the sanctions map is an IT tool for identifying the sanctions regimes. The Official Journal of the European Union is the official source of European Union law and, in case of conflict, its content prevails over that of the Sanctions Map.

⁴ OJ L 433, 22.12.2020, p.28.

circumstances linked to the combination of a sanitary crisis (Ebola and COVID-19), increased security crisis and aggravated humanitarian crisis (following the May 22 volcanic eruption of Mount Nyiragongo) in the North-Kivu province. A nation-wide declaration of Crisis is also applicable in the DRC. Furthermore, the security situation currently in place in the vicinity of Virunga National Park prevents other donors not present on the ground from supporting interventions. Its overarching objective is to support the recovery of Virunga National Park and the North Kivu province.

- (6) The action entitled ‘Emergency response to the Virunga–North Kivu triple crisis’ aims to strengthen law enforcement and stability in and around the park, reduce pressure on natural resources and accelerate green economic development.
- (7) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (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 does not fall within the categories of measures for which the prior opinion of the Neighbourhood, Development and International Cooperation Instrument Committee established under Article 45 of Regulation (EU) 2021/947 is required. The European Parliament and the Committee established under Article 45 of Regulation (EU) 2021/947 should be informed of this Decision within one month following its adoption.

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The annual financing decision, constituting the annual measure for the implementation of the special measure for Planet for 2021 (Emergency response to the Virunga–North Kivu triple crisis), as set out in the Annex, is adopted.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2021 is set at EUR 3 262 595.22, and shall be financed from the appropriations entered in the budget line 14.020241: EUR 3 262 595.22 of the general budget of the Union.

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

Article 3
Flexibility clause

Increases or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes⁵ to the allocations of specific actions

⁵ These changes can come from assigned revenue made available after the adoption of the financing decision.

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.

Article 4
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex. Grants may be awarded to the bodies referred to in the Annex selected in accordance with point 4.3.1.

Done at Brussels, 17.12.2021

For the Commission
Jutta URPIAINEN
Member of the Commission