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**COMMISSION IMPLEMENTING DECISION**

**of 19.12.2022**

**on the financing of the special measure in favour of the people of Myanmar for 2022**

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**on the financing of the special measure in favour of the people of Myanmar for 2022**

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 966/2012<sup>1</sup>, 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 480/2009<sup>2</sup>, and in particular Article 23(4) thereof,

Whereas:

- (1) In order to ensure the implementation of the special measure in favour of the people of Myanmar for 2022, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2022. 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 TFEU<sup>3</sup>.
- (3) The objectives pursued by the measure to be financed under the Regulation (EU) 2021/947 geographic programme 'Asia and the Pacific' are to contribute to peace building efforts, security, stability and sustainable development in Myanmar, to re-engagement with learning and continuous access to quality, inclusive and equity-focused basic education for the most vulnerable children and youth and to support green rural economic development in Myanmar.
- (4) The seizing of power by the military on 1 February 2021 brought a sudden halt to Myanmar's democratic and socio-economic transition and returned the country to military rule. The Foreign Affairs Council Conclusions of 22 February 2021 No 6287/21 require not to legitimize the military authorities while continuing to support the people of Myanmar, especially those in most vulnerable conditions. Under these unforeseen circumstances, it is not possible to agree a Multi-Annual Indicative

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

<sup>2</sup> OJ L 209, 14.6.2021, p.1.

<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.

Programme with the military authorities and, in the absence of alternative funding sources, a Special Measure is required to ensure support to the population and to the civil society, while avoiding directly or indirectly supporting government systems and structures.

- (5) The Action entitled ‘EU Nexus Response Mechanism’ aims at contributing to peace building efforts, security, stability and sustainable development in Myanmar;
- (6) The Action entitled ‘Quality Basic Education Pathways for Children (QBEP4Children)’ aims at re-engagement with learning and continuous access to quality, inclusive and equity-focused basic education for the most vulnerable children and youth. The Commission should acknowledge and accept contributions from other donors in accordance with Article 21(2) of the Financial Regulation, subject to the conclusion of the relevant agreement. Where such contribution[s] are not denominated in euro, a reasonable estimate of conversion should be made.
- (7) The Action entitled ‘Securing Energy Needs and Transition of RUral areas in Myanmar (SENTRUM)’ aims at supporting green rural economic development in Myanmar.
- (8) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the actions.
- (9) 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 Regulation<sup>4</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (10) 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.
- (11) 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 the Financial Regulation.
- (12) The special measure 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.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The measure*

The annual financing decision, constituting the annual measure for the implementation of the special measure in favour of the people of Myanmar for 2022, as set out in the Annexes, is adopted.

The measure shall include the following actions:

- (a) ‘EU Nexus Response Mechanism’ set out in Annex I;

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<sup>4</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.

- (b) ‘Quality Basic Education Pathways for Children (QBEP4Children)’ set out in Annex II;
- (c) ‘Securing Energy Needs and Transition of RUral areas in Myanmar (SENTRUM)’ set out in Annex III.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the special measure in favour of the people of Myanmar for 2022 is set at EUR 60 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

– budget line 14.020131 South and East Asia

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 Annexes, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.3.1 of the Annex I, Annex II and Annex III.

*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, or cumulated changes<sup>5</sup> 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, 19.12.2022

*For the Commission*  
*Jutta URPILAINEN*  
*Member of the Commission*

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