



Brussels, 14.9.2023
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COMMISSION IMPLEMENTING DECISION

of 14.9.2023

on the financing of the special measure in favour of Yemen for 2023

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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(4) thereof,

Whereas:

- (1) In order to ensure the implementation of the special measure in favour of Yemen for 2023, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2023. 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 objectives pursued by the special measure to be financed under the Regulation (EU) 2021/947 Neighbourhood, Development and International Cooperation Instrument – Global Europe geographic programme 'Asia and the Pacific' are to contribute to food security in Yemen with an integrated multi-sectoral development toolbox. The aim is to bridge humanitarian action with economic recovery and contribute to building resilience and strengthen the capacities of economic institutions in the design and implementation of policies.
- (4) The socio-economic conditions in Yemen remain extremely fragile and volatile. The ongoing conflict and economic crisis are responsible for setting back human development in Yemen by decades, displacing millions and reversing progress towards the SDGs. In this context, the drafting of a new multi-annual indicative

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.

programming document has not been possible. In order to cope with the country needs, the Commission opted for implementing special measures.

- (5) The action entitled ‘Integrated Response for Resilience and Food Security in Yemen’ aims at positioning the EU at the heart of the humanitarian-development-peace nexus coordination. The overall objective is to create sustainable pathways to resilience for vulnerable Yemenis who face prolonged acute food insecurity and/or displacement.
- (6) The action entitled ‘Supporting pathways for Economic Recovery in Yemen’ aims to contribute to a sustainable economic recovery in Yemen, through a two-pronged approach: at institutional level, by enhancing the institutional capacity of key economic institutions in designing and implementing policy reforms for economic recovery, and at grassroots level, by supporting the economic empowerment of young people and women. The action will aim to foster an enabling environment for a green and circular economy and will support businesses to transition to a greener, more sustainable business model.
- (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) 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 Regulation⁴ 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 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 measure for the implementation of the special measure in favour of Yemen for 2023, as set out in the Annexes, is adopted.

The measure shall include the following actions:

- (a) ‘Integrated Response for Resilience and Food Security in Yemen’ set out in Annex I;

⁴ 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) ‘Supporting pathways for Economic Recovery in Yemen’ set out in Annex II.

Article 2
Union contribution

The maximum Union contribution for the implementation of the special measure in favour of Yemen for 2023 is set at EUR 55 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union: 14.02.01.30 - NDICI - Middle East and Central 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 4.3.3 of the Annex I and points 4.3.2 and 4.3.3 of the Annex II.

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, or cumulated changes⁵ 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.

Article 5
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annexes. Grants may be awarded to the bodies selected in accordance with point 4.3.1 of the Annex I and of the Annex II.

Done at Brussels, 14.9.2023

For the Commission
Jutta URPILAINEN
Member of the Commission

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