



Brussels, 21.11.2024
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COMMISSION IMPLEMENTING DECISION

of 21.11.2024

on the financing of the special measure in favour of the people of Myanmar for 2024

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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) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union¹, 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(1) and (4) thereof,

Whereas:

- (1) In order to ensure the implementation of the special measure in favour of the people of Myanmar for 2024, it is necessary to adopt an annual financing decision, which is to constitute the annual work programme, for 2024 in accordance with Article 110(2) of Regulation (EU, Euratom) 2024/2509 ('the Financial Regulation').
- (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 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 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.
- (4) The objectives pursued by the measure to be financed under the Regulation (EU) 2021/947 geographic programme 'Asia and the Pacific' are to improve equal access to justice and protecting fundamental rights for vulnerable groups and to improve the quality of education, and to build stronger alignment in curriculum and promotion of core competencies across systems provided by the ethnic education authorities and providers.

¹ OJ L 239, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>.

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.

- (5) The action entitled ‘Protecting access to justice and fundamental rights for vulnerable groups in Myanmar’ aims at strengthening the foundations of a society based on the rule of law and improving equal access to justice and fundamental human rights for vulnerable groups affected by conflict.
- (6) The action entitled ‘Ethnic Areas Support for Education (EASE)’ aims at improving the quality of education and at building stronger alignment in curriculum and promotion of core competencies across systems provided by the ethnic education authorities and providers.
- (7) It is necessary to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants in accordance with Article 198 (a) and (f) of the Financial Regulation.
- (8) Pursuant to Article 62(1), point (c), of the Financial Regulation and Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the actions set out in the Annexes.
- (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 157(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 157(4) of the Financial Regulation⁴ and, if necessary, to appropriate supervisory measures in accordance with Article 157(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 determine the 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 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 2024, as set out in the Annexes, is adopted.

The measure shall include the following actions:

- (a) ‘Protecting access to justice and fundamental rights for vulnerable groups in Myanmar’ set out in Annex I;
- (b) ‘Ethnic Areas Support for Education (EASE)’ set out in Annex II.

⁴ Except for the cases of Article 157(7) of the Financial Regulation, where the Commission may decide not to require an ex-ante assessment.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2024 is set at EUR 37 000 000, and shall be financed from the appropriations entered in budget line 14.020131 South and East Asia 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
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 and 4.3.3 of 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 referred to in the Annexes selected in accordance with the criteria laid down in point 4.3.2 of the Annex I and 4.3.1 of the Annex II.

Done at Brussels, 21.11.2024

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.