



Brussels, 16.12.2021
C(2021) 9312 final

COMMISSION IMPLEMENTING DECISION

of 16.12.2021

**on the financing of the Special Measure for a regional response to the Afghanistan
refugee and displacement crisis for 2021**

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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 thereof,

Whereas:

- (1) In order to ensure the implementation of the Special Measure for a regional response to the Afghanistan refugee and displacement crisis for 2021, 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 objectives pursued by the Special Measure set out in this Decision are to respond to the extraordinary Afghanistan regional refugee and displacement crisis, in particular to assist the protection and well-being of Afghan refugees and displaced people – including notably children - in Pakistan, Iran, Central Asia and Afghanistan.
- (4) This Special Measure is justified due to the emergency situation created by the recent events in Afghanistan, cumulated with existing long term displacement, increasing violations of human rights and poverty in Afghanistan, which are causing further massive displacement and suffering in Afghanistan and are likely to expand to the wider region, as well as the major irregular migratory flows towards the Union.
- (5) The action entitled ‘Support to Afghan refugees and displaced people in Pakistan, Iran, Central Asia and Afghanistan’ aims to continue EU support to Afghan refugees in the

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.

countries neighbouring Afghanistan (notably in Iran and Pakistan, and, if required, in Central Asian countries) and for returnees, internally displaced persons and other persons of concern in Afghanistan, insofar as the situation in Afghanistan allows.

- (6) The action entitled ‘Enhanced Access to Rights, Essential Services, and Livelihoods for Vulnerable Afghans and Host Communities in Iran in the context of COVID-19 recovery’ aims to enhance the resilience and self-reliance of vulnerable Afghans and their host communities in Iran to achieve safe and dignified lives.
- (7) The action entitled ‘Children on the move – Phase II’ aims to enhance the resilience and self-reliance of forcibly displaced youth and unaccompanied minors, including their families and vulnerable host communities, in a way that they live together peacefully, have access to social services and develop economic ties to build sustainable livelihoods and thus foster social cohesion and stability.
- (8) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (9) Pursuant to Article 26(1) of Regulation (EU) No 2021/947 of 9 June 2021 indirect management is to be used for the implementation of some of the actions.
- (10) The Commission should authorise the eligibility of costs as of a date which is prior to the date of adoption of this Decision, for reasons of extreme urgency in crisis management aid or in other exceptional and duly substantiated emergencies, whereby an early engagement by the Union would be of major importance.
- (11) 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 Regulation (EU, Euratom) 2018/1046. 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 Regulation (EU, Euratom) 2018/1046⁴ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.
- (12) 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.
- (13) 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.
- (14) The special measure provided for in this Decision is in accordance with the opinion of the Neighbourhood, Development and International Cooperation Instrument Committee established under Article 45 of Regulation (EU) 2021/947 of 9 June 2021.

HAS DECIDED AS FOLLOWS:

Article 1 *The measure*

The annual financing decision, constituting the annual measure for the implementation of the Special Measure for a regional response to the Afghanistan refugee and displacement crisis for 2021 as set out in the Annexes, is adopted.

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.

The measure shall include the following actions:

- (a) 'Support to Afghan refugees and displaced people in Pakistan, Iran, Central Asia and Afghanistan' set out in Annex I;
- (b) 'Enhanced Access to Rights, Essential Services, and Livelihoods for Vulnerable Afghans and Host Communities in Iran in the context of COVID-19 recovery' set out in Annex II;
- (c) 'Children on the move – Phase II' set out in Annex III.

Article 2

Union Contribution

The maximum Union contribution for the implementation of the Special Measures for 2021 is set at EUR 79 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- (a) budget line BGUE-B2021-14.020130-C1-INTPA; EUR 69 000 000,
- (b) budget line BGUE-B2021-14.020131-C1-INTPA: EUR 10 000 000.

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 Annex I, 4.3.2 of Annex II and 4.3.1 of Annex III.

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 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.

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

Article 5

Grants

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

Done at Brussels, 16.12.2021

For the Commission

Jutta URPILAINEN

Member of the Commission