



Brussels, 17.4.2020
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COMMISSION DECISION

of 17.4.2020

**adopting an individual measure in favour of Niger to be financed from the 11th
European Development Fund**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2015/322 of 2 March 2015¹ on the implementation of the 11th European Development Fund, and in particular Article 9(1) thereof,

Having regard to Council Regulation (EU) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund², and repealing Regulation (EU) 2015/323, and in particular Article 24 thereof,

Whereas:

- (1) By its Decision C(2014)3882 final of 16.06.2014, the Commission adopted the National Indicative Programme (NIP) between the European Union and the Republic of Niger, allocating a total amount of 596 000 000 for the period from 2014 to 2020. This amount has been increased to EUR 686 000 000 in 2018 (Decision C(2018)3723 final). The NIP sets out four priority focal sectors: (1) food and nutrition security, and resilience; (2) strengthening the State capacity for the implementation of social policies; (3) security, good governance and peace consolidation and (4) access to regions affected by insecurity and at risk of conflict.
- (2) The Sahel region has been confronted by an increasing deadly and unprecedented security crisis for several years that affects in different degrees the G5 Sahel countries (Mauritania, Mali, Burkina Faso, Niger and Chad) and by extension, it could have an impact on the EU. To support the current EU response to the instability in the region, it has been decided to reallocate the unspent balances of the NIP to quick-impact actions in Niger in the areas of security and resilience of the population.
- (3) To that end, it is necessary to establish an individual measure to be implemented through the EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and forced displacement in Africa (hereinafter “the Trust Fund”), as established by the Commission on 20.10.2015³ and officially launched at the Migration Summit in La Valleta on 12.11.2015.
- (4) The overall objective and purpose of the Trust Fund is to address the crises in the regions of the Sahel and the Lake Chad, the Horn of Africa, and the North of Africa. It supports all aspects of stability and addresses the root causes of destabilisation, forced displacement and irregular migration, in particular by promoting resilience, economic and equal opportunities, security and development. The Trust Fund was established for a limited period, until 21.12.2020, in order to provide a medium-term response to the challenges of the concerned regions.

¹ OJ L 58, 3.3.2015, p. 1

² OJ L 307, 3.12.2018, p. 1

³ Commission Decision C(2015)7293 of 20.10.2015.

- (5) The objective pursued by the measure to be financed under the 11th European Development Fund is to support progress on sustainable development goals in terms of peace and security through the progressive return of security and the resilience of populations in the most vulnerable areas of the country, thereby allowing continued presence of the State and trust between populations and public institutions. More specifically, the measure aims to (i) reinforce the sound operation of the criminal justice system in order to increase its performance in the fight against terrorism and transnational organised crime, and in the fight against impunity; (ii) reinforce the capacities of the internal security forces in regions under a state of emergency; and (iii) support the prevention, management and peaceful resolution of conflicts in regions under state of emergency, as well as the resilience of affected populations, in order to promote stabilisation and consolidation of peace. The actions being implemented in Niger under the Trust Fund share the objective of this measure in the areas of security and resilience, for the development and the stability of the country. For this reason, the Trust Fund appears to be the most appropriate financial instrument to implement this individual measure, notably in order to achieve impact more rapidly than with other EU instruments.
- (6) In order to ensure the implementation of the individual measure, it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (7) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 of the Treaty on the Functioning of the European Union⁴.
- (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 applicable in accordance with Articles 24(2) and 25 of Regulation (EU) 2018/1877.
- (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, applicable in accordance with Article 24(2) of Regulation (EU) 2018/1877.
- (10) The measure provided for in this Decision is in accordance with the opinion of the European Development Fund Committee set up by Article 8 of the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and territories to which Part Four of the Treaty on the Functioning of the European Union applies⁵.

⁴ 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 OJ L 2010, 6.8.2013, p. 1

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The financing decision, constituting the individual measure in favour of Niger to be financed from the 11th European Development Fund, is adopted.

Article 2

Union contribution

The maximum Union contribution for the implementation of the measure is set at EUR 38 425 000 and shall be financed from the 11th European Development Fund.

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

Article 3

Implementation modalities

The EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and forced displacement in Africa, as established by the Commission on 20.10.2015, shall implement the individual measure according to the rules and procedures applying to the management and governance of the Trust Fund.

Article 4

Non-substantial changes

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 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, applicable in accordance with Article 24(2) of Regulation (EU) 2018/1877, 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, 17.4.2020

For the Commission

Jutta URPILAINEN

Member of the Commission