



Brussels, 12.10.2017
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COMMISSION IMPLEMENTING DECISION

of 12.10.2017

**on the 2017 special measure in favour of Iraq to be financed from the general budget of
the Union**

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002¹, and in particular Article 84(2) thereof,

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action², and in particular Article Article 2(1) thereof,

Whereas:

- (1) The objectives pursued by the measure to be financed under the Development Cooperation Instrument³ are to ensure that early recovery and rapid return to sustainable development pathway are achieved and stabilization and humanitarian interventions are enabled in areas that are newly liberated from ISIL (Da'esh) and the Government strategic coordination mechanisms are strengthened to ensure a common approach to clearance of explosive hazards.
- (2) The measure responds to the urgent need of ensuring a safe, voluntary and dignified return of internally displaced persons in areas of origin retaken from Da'esh control.
- (3) The action entitled 'Funding Facility for Stabilization' supports the Iraqi Government in newly liberated areas to address immediate challenges for return of internally displaced persons.
- (4) The action entitled 'Assisting Stabilization, Humanitarian Efforts and Civilian Returns in Retaken Areas with Explosive Threat Mitigation' ensures that the impact of explosive hazards in retaken areas is reduced through emergency response, enhanced strategic coordination, and risk education activities.
- (5) The envisaged assistance to Iraq is deemed to strictly follow the conditions and procedures set out by the restrictive measures concerning the said country.
- (6) As a result of the graduation of Iraq as upper-middle income country by the OECD DAC in 2012⁴, the measure provided for in this Decision is developed in the context of the application of the exception clause provided for in Article 5(2)(b)(ii) of the

¹ OJ L 298, 26.10.2012, p. 1.

² OJ L 77, 15.3.2014, p. 95.

³ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020 (OJ L 77, 15.3.2014, p. 44).

⁴ <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519>

Regulation (EU) No. 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation, currently used for a continued bilateral cooperation with Iraq for the period 2014-2017.

- (7) It is necessary to adopt a financing decision the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012⁵.
- (8) The Commission should entrust budget-implementation tasks under indirect management to the entities specified in the Annexes I and II to this Decision, subject to the conclusion of delegation agreements. In accordance with Article 60(1)(c) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that these entities guarantee a level of protection of the financial interests of the European Union equivalent to that required when the Commission manages European Union funds. These entities complies with the conditions set out in points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary. UNMAS is currently undergoing the assessment provided for in Article 61 of Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the authorising officer responsible deems that, based on the entity's positive assessment prior to the entry into force of Regulation (EU, Euratom) No 966/2012 and on the long-standing and problem-free cooperation with it, budget-implementation tasks can be entrusted to UNMAS, as part of the UN Secretariat.
- (9) It is necessary to allow for the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.
- (10) The measure provided for in this Decision is in accordance with the opinion of the Development Cooperation Instrument Committee established under Article 19 of Regulation No 233/2014,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the measure

The 2017 special measure in favour of Iraq, as set out in the Annexes, is adopted.

The measure shall include the following actions:

- Annex I: Funding Facility for Stabilization;
- Annex II: Assisting Stabilization, Humanitarian Efforts and Civilian Returns in Retaken Areas with Explosive Threat Mitigation.

Article 2

Financial contribution

⁵ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

The maximum contribution of the European Union for the implementation of the measure referred to in Article 1 is set at EUR 60 400 000 and shall be financed from budget line 21.020400 of the general budget of the European Union for 2017.

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

Article 3

Methods of implementation

Budget-implementation tasks under indirect management may be entrusted to the entities identified in the Annexes I and II, subject to the conclusion of the relevant agreements.

The elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012 are set out in the Annexes to this Decision.

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 within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012 provided that they do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 12.10.2017

For the Commission

Neven MIMICA

Member of the Commission