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COMMISSION IMPLEMENTING DECISION

of 16.12.2021

on the financing of the Special Measure in favour of the people of Myanmar 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(4) thereof,

Whereas:

- (1) In order to ensure the implementation of the Special Measure in favour of the people of Myanmar 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 contribute to lasting peace, security, stability and sustainable development while promoting human rights, democracy and gender equality in Myanmar, to protect Myanmar's next generation human capital with education and training, and to strengthen the socio-economic sustainable resilience in the environment affected by COVID-19.
- (4) 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

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.

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.

- (5) The Special Measure comprises the following actions:
- A. ‘Building Resilience and Peace with and through Local Actors’.
 - B. ‘Youth Training and Leadership Opportunities in Myanmar’ that aims at improving access to quality technical and vocational training targeted communities in ethnic and crisis-affected border areas, including Rakhine, and at enhancing options for online learning and mobility for students and young professionals, who are affected by recent interruptions of university education and employment.
 - C. ‘Strengthen Sustainable Livelihoods in Myanmar’ that aims at improving livelihoods, food and nutrition security of the most vulnerable, whilst protecting natural resources and increasing resilience to climate change, and at strengthening and protecting responsible business practices in urban settings focusing on social, environmental, human rights standards and gender equality.
- (6) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (7) The Commission should authorise the launch of calls for proposals and calls for tender by means of a suspensive clause before the adoption of this Decision.
- (8) Pursuant to Article 26(1) of Regulation (EU) 2021/947 of 9 June 2021 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 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.
- (10) 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.
- (11) In order to allow for flexibility in the implementation of Special Measures, 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.
- (12) 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) No 2021/947 of 9 June 2021.

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.

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 2021, as set out in the Annexes, is adopted.

The Special Measure shall include the following actions:

- (a) ‘Building Resilience and Peace with and through Local Actors’ set out in Annex I;
- (b) ‘Youth Training and Leadership Opportunities in Myanmar’ set out in Annex II;
- (c) ‘Strengthen Sustainable Livelihoods in Myanmar’ set out in Annex III.

Article 2
Union contribution

The maximum Union contribution for the implementation of the Special Measure for 2021 is set at EUR 65 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- budget line B2021-14.020131-C1-INTPA: EUR 65 000 000;

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 4.3.3 of the Annex I, in point 4.3.4 of the Annex II and in in point 4.3.1 of the Annex III.

Article 4
Flexibility clause

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 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 Procurement

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 point 4.3.4 of the Annex I, in point 4.3.4 of the Annex II and in point 4.3.3 of the Annex III.

Launching a call for proposals and tender under a suspensive clause before the adoption of this Decision shall be authorised as of the date set out in point 4.3.1.1, 4.3.1.2 and 4.3.2 of the Annex I, and in point 4.3.3 of the Annex II.

Done at Brussels, 16.12.2021

For the Commission
Jutta URPILAINEN
Member of the Commission