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COMMISSION IMPLEMENTING DECISION

of 8.12.2023

on the financing of the special measure in favour of the people of Myanmar for 2023

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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 2023, it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2023. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') 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 measure to be financed under the Regulation (EU) 2021/947 geographic programme 'Asia and the Pacific' are to support efforts towards peace and conflict mitigation, strengthen the role of civil society in building resilience of communities; support livelihoods and climate change resilience of vulnerable communities and integrate them into supply chains; fight against gender-based violence, and support strategic communication in Myanmar.
- (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 6287/21⁴ require not to legitimize the military authorities while continuing to support the people of Myanmar, especially those in most vulnerable conditions. Under these

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.

⁴ <https://data.consilium.europa.eu/doc/document/ST-6287-2021-INIT/en/pdf>

unforeseen circumstances, it is not possible to agree a Multiannual 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.

- (5) The action entitled ‘Support to peace, democratisation and resilience in Myanmar’ aims to support stakeholders engaged in constructive efforts to monitor, manage and mitigate conflict at local level, and in consolidating a shared vision for sustainable peace, while at the same time supporting local actors and organisations to contribute towards building resilience.
- (6) The action entitled ‘Sustainable livelihoods and inclusive growth’ aims to reduce inequality by strengthening the socio-economic resilience of populations in rural and peri-urban Myanmar.
- (7) The action entitled ‘Gender based violence response, mitigation and prevention in Myanmar’ aims to contribute to the elimination of gender-based violence in conflict and crisis-affected communities in Myanmar.
- (8) The action entitled ‘Strategic Communication in Myanmar’ aims at positioning the EU as a supporter of the Myanmar people and as a partner of reference in the eyes of the wider public and selected stakeholders.
- (9) The Commission should acknowledge and accept contributions from other donors in accordance with Article 21(2) of the Financial Regulation, subject to the conclusion of the relevant agreement. Where such contribution[s] are not denominated in euro, a reasonable estimate of conversion should be made.
- (10) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (11) The Commission should authorise the launch of a call for proposals and calls for tender by means of a suspensive clause before the adoption of this Decision.
- (12) Pursuant to Article 26(1) of Regulation (EU) 2021/947 indirect management is to be used for the implementation of the actions.
- (13) 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 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 154(4) of the Financial Regulation⁵ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (14) 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.
- (15) 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 the Financial Regulation.
- (16) 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.

⁵ 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 2023, as set out in the Annexes, is adopted.

The measure shall include the following actions:

- (a) ‘Support to peace, democratisation and resilience in Myanmar’ set out in Annex I;
- (b) ‘Sustainable livelihoods and inclusive growth’ set out in Annex II;
- (c) ‘Gender based violence response, mitigation and prevention in Myanmar’ set out in Annex III;
- (d) ‘Strategic Communication in Myanmar’ set out in Annex IV.

Article 2
Union contribution

The maximum Union contribution for the implementation of the special measure for 2023 is set at EUR 55 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union: BGUE-B2024-14.020131 South and East Asia.

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

The implementation of this Decision is subject to the availability of the appropriations provided for in the general budget of the Union for 2024 following the adoption of that budget by the budget authority.

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 points 4.4.3 and 4.4.4 of Annex I, point 4.4.2 of Annex II and point 4.4.1 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 changes⁶ 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).

⁶ These changes can come from assigned revenue made available after the adoption of the financing decision.

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 and 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 the criteria laid down in point 4.4.1 of Annex I and Annex II.

Launching a call for tenders under a suspensive clause before the adoption of this Decision shall be authorised as of the date set out in point 4.4.1 of Annex IV.

Done at Brussels, 8.12.2023

For the Commission
Margaritis SCHINAS
Vice-President