



Brussels, 28.11.2023
C(2023) 8215 final

COMMISSION IMPLEMENTING DECISION

of 28.11.2023

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

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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) 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 Afghanistan 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) This measure responds to some of the most critical challenges facing the Afghan population following the overthrow of the constitutional government of the Islamic Republic of Afghanistan by the Taliban on 15 August 2021, leading notably to a drastically altered political landscape and a severe humanitarian and economic crisis. On 11 October 2021, the EU Member States' Development Ministers agreed on the need to assist the population directly by supporting essential services, avoiding government channels, going beyond humanitarian aid to adopt a humanitarian-development nexus approach focused on direct needs and basic livelihoods. On 12 October 2021, the President of the Commission announced that the Commission was working to make it possible to use funds intended for Afghanistan to support Afghan people in urgent needs. On this basis, the Commission adopted Implementing Decisions on 17 December 2021 (C(2021)9322 final), on 20 December 2021

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.

(C(2021)9830 final) and on 31 October 2022 (C(2022)7606 final), aimed at implementing this commitment.

- (4) The objectives pursued by the special measure to be financed under the Regulation (EU) 2021/947 geographic programme ‘Asia and the Pacific’ are to support basic needs and livelihoods of the people of Afghanistan.
- (5) Afghanistan has faced an uncertain period since the fall of the Islamic Republic on 15 August 2021. The country has witnessed one of the greatest economic contractions in modern history. In the months after the Taliban takeover, the humanitarian response was scaled up significantly, with a focus on life-saving operations. In parallel, efforts were made to safeguard and maintain functioning systems for the delivery of basic services and livelihoods. It has nevertheless become clear that more support is needed to maintain a minimum level of basic services and livelihoods of the Afghan population: half of the population faces an acute food insecurity and the current crisis is eroding the progress made over the last twenty years on human development indicators. In this context, the drafting of a multi-annual indicative programme has not been possible. In order to cope with the country needs, the Commission opted for implementing special measures.
- (6) The action entitled “Addressing basic needs and supporting livelihoods of the people of Afghanistan” is aimed at supporting a minimal functioning of basic services for the Afghan population in complementarity with humanitarian relief efforts, and at enhancing resilient livelihoods and economic opportunities for the population in Afghanistan. Its key objective is to contribute to increased stability and reduced security threats and to address forced displacement within Afghanistan and from Afghanistan to the region and beyond; while contributing to economic stabilisation.
- (7) Pursuant to Article 26(1) of Regulation (EU) 2021/947, indirect management is to be used for the implementation of the Action.
- (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) 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 Regulation⁴ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof 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 the Financial Regulation.
- (11) In order to allow for flexibility in the implementation of the special measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (12) The special measure provided for in this Decision is in accordance with the opinion of the Committee established under Article 45 of Regulation (EU) 2021/947.

⁴ Except for the cases referred to in Article 154(6) of the Financial Regulation, 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 Afghanistan for 2023, as set out in the Annex, is adopted.

The measure shall include the following action: “Addressing basic needs and supporting livelihoods of the people of Afghanistan”.

Article 2
Union contribution

The maximum Union contribution for the implementation of the special measure for 2023 is set at EUR 142 800 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union: BGUE-B2023-14.020130-C1-INTPA.

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 Annex, 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.

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, 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.

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

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

Done at Brussels, 28.11.2023

For the Commission

Jutta URPIAINEN

Member of the Commission