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**COMMISSION IMPLEMENTING DECISION**

**of 5.7.2024**

**on an exceptional assistance measure regarding Bangladesh**

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## on an exceptional assistance measure regarding Bangladesh

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 966/2012<sup>1</sup>, 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 480/2009<sup>2</sup>, and in particular Article 23(6) thereof,

Whereas:

- (1) Rohingya refugees living in the camps in Cox's Bazar in southeastern Bangladesh are experiencing an unprecedented rise in insecurity and inter and intra-communal tensions in their everyday lives. Food shortages, lack of livelihood opportunities, and the current intensification of fighting in Rakhine State in Myanmar have exacerbated the proliferation of criminal armed groups inside the camps. Insecurity and criminality are causing clashes and violence, including physical assaults, abductions and murders of Rohingya refugees. Restrictions to freedom of movement, desperation, hunger and hopelessness are also compelling an increasing number of Rohingya refugees to flee the camps and undertake perilous sea journeys across the Bay of Bengal and the Andaman Sea in search for protection and safety. Confusion, rumours as well as a distant and limited scope of international judicial proceedings outcomes related to the crimes committed by the Myanmar military against the Rohingya are likely to create further risk of protest, unrest, and long-term loss of trust in an already strained environment. Moreover, women, children and youth, who have been disproportionately affected by violence and tensions, are often not aware of their legal rights, and face additional difficulties in pursuing them as a consequence of deeply rooted gender expectations, inequalities and exclusion. In addition, there is still a degree of misconceptions among Rohingya refugees about the ability of international justice to swiftly award citizenship, land ownership or allowing a safe return of the Rohingya to their homes in Myanmar. The present situation makes it necessary to adopt an exceptional assistance measure regarding Bangladesh.

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<sup>1</sup> OJ L 193, 30.7.2018, p. 1.

<sup>2</sup> OJ L 209, 14.6.2021, p. 1.

- (2) In order to ensure the implementation of the measure, it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (3) The planned assistance is to comply with the conditions and procedures set out by the restrictive measures<sup>3</sup> adopted pursuant to Article 215 TFEU.
- (4) The objective of the measure set out in this Decision is to enable Rohingya refugees to understand and pursue their legal rights and to mitigate tensions and conflict within their communities in order to remedy exceptional and unforeseen situations as referred to in Article 4(4)(a) of Regulation (EU) 2021/947.
- (5) In accordance with points (e), (m), (n) and (p) of Annex IV, paragraph 1, second paragraph of Regulation (EU) 2021/947, the activities set out in this Decision will enable Rohingya refugees to understand and pursue their legal rights and to mitigate tensions and conflict by raising awareness on international justice within their communities, addressing misconceptions and disinformation and managing expectations; providing gender and age-sensitive and trauma-informed legal assistance to Rohingya refugees, assistance and representation for the international justice proceedings as well as health, psychosocial and protection support.
- (6) The effectiveness of the Union response to the situation referred to in recital (1) depends on the rapid and flexible implementation of an exceptional assistance measure of limited duration in accordance with Article 23(6) of Regulation (EU) 2021/947.
- (7) The measure provided for in this Decision is complementary to assistance provided under other Union short-term or long-term external assistance instruments. No fully adequate response can be provided under those instruments to the specific needs being addressed. Therefore, an effective response is required to enable an early action in accordance with Article 4(4) of Regulation (EU) 2021/947.
- (8) The measure provided for in this Decision is consistent with the Union strategic policy framework for Bangladesh. Synergies and complementarities are expected with other Union interventions, as detailed in point 7 of the Annex.
- (9) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (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 measure, it is appropriate to define changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (12) The European Parliament and the Council have been informed of the exceptional assistance measure to be adopted by this Decision, in accordance with Article 25(3) of Regulation (EU) 2021/947,

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<sup>3</sup> [www.sanctionsmap.eu](http://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.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The measure*

The financing decision for the implementation of the exceptional assistance measure regarding Bangladesh, for 2024, as set out in the Annex, is adopted.

The measure shall include the following action: Helping Rohingya refugees pursue accountability and participate in international justice processes, as set out in the Annex.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the measure for 2024 is set at EUR 1 500 000 and shall be financed from the appropriations entered in the budget line 14 02 03 10 of the general budget of the Union.

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

*Article 3*  
*Grants*

Grants may be awarded without a call for proposals in accordance with the conditions set out in point 6 of the Annex. Grants may be awarded to the body/bodies selected in accordance with point 6 of the Annex.

*Article 4*  
*Duration of the measure*

The maximum duration of the exceptional assistance measure adopted under this Decision shall be max 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 23(6) of Regulation (EU) 2021/947.

If the implementation of this measure or any of its components is suspended owing to ‘force majeure’ or circumstances beyond the control of the contracting authority and its implementing partner(s), the period of suspension shall not be taken into account for the calculation of the duration of the implementation of this measure.

*Article 5*  
*Flexibility clause*

Increases or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in the first paragraph of Article 2 or cumulated changes<sup>4</sup> 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

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<sup>4</sup> These changes can come from assigned revenue made available after the adoption of the financing decision.

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.

Done at Brussels, 5.7.2024

*For the Commission*  
*Josep BORRELL FONTELLES*  
*High Representative / Vice-President*