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COMMISSION IMPLEMENTING DECISION

of 14.12.2023

on a second exceptional assistance measure regarding Tunisia

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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(6) thereof,

Whereas:

- (1) Tunisia is facing a multitude of challenges: a complex political transition since July 2021 following president Saïed's decision to dismiss the Prime Minister and freeze parliamentary activity, and various economic challenges linked for example to post-COVID turbulence as well as the spill-over effects of the Russian aggression against Ukraine. Youth unemployment has further deteriorated with young people facing economic insecurity, social exclusion and political marginalisation. In this context, detainees released upon the end of their sentences, including for crimes linked to terrorism, find limited measures in place to facilitate socio-economic reinsertion. These are all potential drivers of radicalisation towards violent extremism and hence represent an imminent challenge both for Tunisia and its neighbourhood. This exceptional assistance measure builds on the results of a previous measure. The present situation makes it necessary to adopt a second exceptional assistance measure regarding Tunisia.
- (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 measures³ adopted pursuant to Article 215 TFEU.

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) The objective of the measure set out in this Decision is to support the strengthening of Tunisia's capacity to prevent and counter terrorism and violent extremism through the strengthening of the system for screening, rehabilitation and follow-up of those who have been detained for crimes linked to terrorism, including women and minors, 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 (d), (l) and (n) of Annex IV, paragraph 1, second paragraph of Regulation (EU) 2021/947, the activities set out in this Decision will further refine the systems set up to screen, rehabilitate and accompany (reintegrate) those previously detained for crimes linked to terrorism. Particular attention will be given to women and minors.
- (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 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 Tunisia. 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,

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The financing decision for the implementation of the exceptional assistance measure regarding Tunisia, for 2023, as set out in the Annex, is adopted.

The measure shall include the following action: 'Support to address the handling of prisoners incarcerated for crimes related to violent extremism and terrorism', set out in the Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2023 is set at EUR 3 000 000, 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 referred to in the Annex.

Article 4
Duration of the measure

The maximum duration of the second exceptional assistance measure adopted under this Decision shall be 18 months, in accordance with 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 changes⁴ to the allocations of specific actions not exceeding 20% of that contribution, 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.

Done at Brussels, 14.12.2023

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

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