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COMMISSION IMPLEMENTING DECISION

of 11.8.2021

on an exceptional assistance measure regarding Colombia, Peru and Ecuador

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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) No 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) The continued deterioration of the socio-economic, political and security situation in Venezuela has driven an increasing number of migrants and refugees across the border and into neighbouring countries and beyond. An estimated 5.6 million Venezuelans have fled the country, representing the second-largest displacement crisis in the world. 85% of them are hosted in Latin American and Caribbean countries, with approximately 1.74 million in Colombia, 1.04 million in Peru and 430 000 in Ecuador. Neighbouring countries are striving to absorb arrivals while, in some cases, dealing with existing tensions and fragilities within their own countries. The situation is made worse by the COVID-19 pandemic, which has put additional strains on the provision of basic services to host populations, migrants and refugees alike, exacerbating existing vulnerabilities, in particular gender-based violence and mental health problems. With the potential easing of lockdown conditions linked to the pandemic and the continuous deterioration of the situation inside Venezuela, host countries are preparing for significant population movements in the second half of 2021. The present situation makes it necessary to adopt an exceptional assistance measure regarding Colombia, Ecuador and Peru.
- (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 establishes detailed rules on financing decisions.

¹ OJ L 193, 30.7.2018, p. 1.

² OJ L 209, 14.6.2021, p. 1.

- (3) The planned assistance is to comply with the conditions and procedures set out by the restrictive measures³ adopted pursuant to Article 215 TFEU.
- (4) The objective of the measure set out in this Decision is to improve the protection and integration environment for Venezuelan refugees, migrants and vulnerable population of host communities in Colombia, Ecuador and Peru, in order to remedy exceptional and unforeseen situations as referred to in Article 4(4)(a) of Regulation (EU) No 2021/947.
- (5) In accordance with points (l) and (p) of Annex IV, paragraph 1 of Regulation (EU) No 2021/947, the activities set out in this Decision will support governmental and complementary civil-society measures for the identification and registration of migrants and refugees; provide legal assistance, advice and guidance to refugees and migrants; provide services for social integration, such as psychosocial advice and trauma counselling, support for victims of gender based violence and other forms of exploitation and survivors of sexual violence; improve labour and economic integration; support cross-border communications, local networks and regional exchange solutions to prevent human trafficking, smuggling and exploitation; and organise public dialogue and awareness-raising activities on integration and peaceful coexistence.
- (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) No 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 adequate and effective response is required to enable early action in accordance with Article 4(4) of Regulation (EU) No 2021/947.
- (8) The measure provided for in this Decision is consistent with the Union strategic policy framework for Colombia, Ecuador, Peru and Venezuela. Synergies and complementarities are expected with other Union interventions, as detailed in point 7 of the Annex.
- (9) In order to carry out the activities described in recital 5 it is necessary to use indirect management for the implementation of the measure.
- (10) The Commission is to ensure a level of protection of the financial interests of the Union with regard 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.

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 Except for the cases set out in Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide not to require an ex-ante assessment.

- (11) The Commission should authorise the eligibility of costs as of a date preceding that of submission of a proposal, which is prior to the date of adoption of this Decision, for reasons of extreme urgency in crisis management aid or in situations of imminent or immediate danger to the stability of Colombia, Ecuador and Peru, including by an armed conflict, where an early engagement of the Union may prevent an escalation.
- (12) 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.
- (13) 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 Regulation (EU, Euratom) 2018/1046.
- (14) 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) No 2021/947,

HAS DECIDED AS FOLLOWS:

Article 1
The measure

The financing decision for the implementation of the exceptional assistance measure regarding Colombia, Ecuador and Peru, for 2021, as set out in the Annex, is adopted.

The measure shall include the following action: “Support programme for Venezuelan Refugees, Migrants and Host Communities in Colombia, Ecuador and Peru” set out in the Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2021 is set at EUR 15 000 000, 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
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 6 of that Annex.

The eligibility of costs prior to the submission of a proposal and which is prior to the date of adoption of this Decision shall be authorised as of the date set out in the Annex.

Article 4
Duration of the measure

The maximum duration of the exceptional assistance measure adopted under this Decision shall be 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) No 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

Cumulated changes to the allocations of the maximum Union contribution not exceeding 20 % of the contribution set in the first paragraph of Article 2 of this Decision, 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 where those 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, 11.8.2021

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