



Brussels, 21.12.2023
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COMMISSION IMPLEMENTING DECISION
of 21.12.2023
on an exceptional assistance measure regarding Egypt

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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) The current conflict in Israel and Palestine is marked by unprecedented violence, loss of life, injury and destruction. The appalling terrorist attack by Hamas, which the EU immediately condemned in the strongest possible terms, and the Israeli military response, exacerbated a cycle of violence that escalated into a humanitarian tragedy in Gaza. The ongoing conflict has severely compromised the overall health system in Gaza. The evacuation of wounded individuals from Gaza to Egypt is a challenging and urgent humanitarian task. Given the strained healthcare infrastructure and the intensity of hostilities, swift and efficient evacuation processes are vital to saving lives. Medical teams and organizations are working tirelessly to transport the injured to hospitals, often putting themselves at risk. Egypt has played a crucial role in facilitating medical treatment for critically injured individuals evacuated to its hospitals and acting as a channel for humanitarian aid destined for Gaza. The present situation makes it necessary to adopt an exceptional assistance measure regarding Egypt.
- (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 enhance protection of civilians and evacuated injured from individuals from Gaza, concurrently strengthening the capacities of the affected host hospitals in Egypt, 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 (a), (l), and (p) and (q) of Annex IV, paragraph 1, second paragraph of Regulation (EU) 2021/947, the activities set out in this Decision will focus on supporting care for injured individuals, in particular children, women and high-risk families, evacuated to Egypt by providing funding for medical equipment and health system capacity and resilience building of affected Egyptian hospitals.
- (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 Egypt. Synergies and complementarities are expected with other Union interventions, as detailed in point 7 of the Annex.
- (9) In order to ensure the effective implementation of the measure, it is necessary to use indirect management for the implementation of the measure.
- (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 Egypt for 2023, as set out in the Annex, is adopted.

The measure shall include the following action: ‘*Health systems capacity and Gaza evacuee-related health support in Egypt*’.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2023 is set at EUR 5 410 466 and shall be financed from the appropriations entered in the budget line budget line 14 02 03 10 of the general budget of the Union for 2023.

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.

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) 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, 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.

Done at Brussels, 21.12.2023

For the Commission

Josep BORRELL FONTELLES

Vice-President

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