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COMMISSION IMPLEMENTING DECISION

of 15.7.2021

on an exceptional assistance measure regarding Sudan

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union (TFEU),

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) At the beginning of November 2020, Ethiopia's Prime Minister ordered a military action against the Tigray People's Liberation Front (TPLF) in the Ethiopian northern region of Tigray. The conflict rapidly escalated, displacing hundreds of thousands of people. Since early November 2020, more than 63,000 refugees escaping the armed conflict have arrived in Eastern Sudan, with the potential to destabilise this already marginalised region of Sudan. This situation puts further pressure on a country already hosting the second highest number of refugees in Africa and that is undergoing a complex democratic transition process, while experiencing an economic crisis and slow social reforms. Combined with the lack of natural resources and access to employment, as well as a number of latent and unresolved tribal and community conflicts, tensions are likely to arise and could lead to confrontation. In addition, in the current context refugee women and girls face an increased risk of exposure to gender based violence and sexual exploitation. The present situation makes it necessary to adopt an exceptional assistance measure for a rapid response action regarding Sudan.
- (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 diffuse tension and promote peaceful coexistence between host communities and refugees from Ethiopia in Eastern Sudan, and especially in Gedaref State, 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 (a), (b) and (c) of Annex IV, paragraph 1 of Regulation (EU) No 2021/947, the activities set out in this Decision will focus on fostering opportunities for dialogue and dispute resolution for host and refugees communities focusing on positive social interaction, strengthening community-based protection and psychosocial support, especially for youth and women, reducing the risk of youth becoming conflict actors by imparting life skills and providing livelihood support, and strengthening the provision of basic services for both local communities and refugees.
- (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 Sudan. 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 detailed in the Annex, 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.
- (11) The Commission should authorise the eligibility of costs as of a date preceding that of submission of a grant application, 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 Sudan, including by an armed conflict, where an early engagement of the Union may prevent an escalation. It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.

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.

- (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 Council and the European Parliament 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 Sudan, for 2021, as set out in the Annex, is adopted.

The measure shall include the following action: “Responding to the spill over of the crisis in Tigray: support to conflict prevention and peaceful coexistence in Eastern Sudan” 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 5 000 000 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
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 selected in accordance with point 6 of the Annex.

For reasons of extreme urgency, the eligibility of costs prior to the submission of a grant application 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 5
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(4) 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 6
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, 15.7.2021

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