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COMMISSION IMPLEMENTING DECISION

of 27.8.2021

on an exceptional assistance measure regarding Mozambique

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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 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 situation in the Cabo Delgado Province and surrounding areas continues to deteriorate. Media reports and data tracking conflict-related violent incidents in 2020 and 2021 show an intensification of violence directed against civilians, including children and adolescents. The violence, and the displacement it triggers, has significantly heightened protection risks. Recent studies report that the abduction of children has become a new and alarmingly frequent tactic by insurgent groups. The International Committee of the Red Cross (ICRC) has registered more than 2,600 appeals in Mozambique from people who had lost family members, most of whom are young adults and children, between September 2020 and April 2021. At least 51 children – mostly girls – were reportedly abducted between January 2020 and January 2021. Alleged violations against children include killing and maiming, rape and other forms of sexual violence, forced recruitment as child soldiers, and attacks on education and health services. The present situation makes it necessary to adopt an exceptional assistance measure for a rapid response action regarding Mozambique.
- (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.
- (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 strengthen the protection of children, adolescents and young people in northern Mozambique and to prevent recruitment and use of children by armed groups and forces in the context of the recent intensification of violence directed against civilians which falls within exceptional and unforeseen situations as referred to in Article 4(4) point (a) of Regulation (EU) No 2021/947.
- (5) In accordance with points (a), (l), (m), (n) and (p) of Annex IV, paragraph 1, of Regulation (EU) No 2021/947, the activities set out in this Decision will support the development of a child rights monitoring, reporting and response mechanism for serious violations. It will establish referral mechanisms and suggest strategic advocacy. The action will also aim to prevent recruitment and use of children by armed groups and forces. Particular attention will be paid to the capacity building of local stakeholders, such as local government and civil society, on the return and reintegration of children associated with armed groups and forces.
- (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(4) 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 Mozambique. Synergies and complementarities are expected with other Union interventions, as detailed in point 7 of the Annex.
- (9) 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) 2018/1046 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.
- (10) 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.
- (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 Regulation (EU, Euratom) 2018/1046.
- (12) 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 Mozambique, for 2021, as set out in the Annex, is adopted.

The measure shall include the following action: Contributing to the promotion and protection of children's rights in armed conflict set out in Annex.

Article 2
Union contribution

The maximum Union contribution for the implementation of the measure for 2021 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
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(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 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, 27.8.2021

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