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COMMISSION DECISION

of 25.1.2017

financing humanitarian actions in Haiti from the 11th European Development Fund

(ECHO/-CR/EDF/2017/01000)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund¹ and in particular Article 9(3) thereof,

Having regard to Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund² and in particular Article 26 thereof

Whereas:

- (1) Hurricane Matthew made landfall in Haiti on 4 October as a category 4 hurricane, causing widespread flooding and damage to housing, agriculture and infrastructure;
- (2) It is estimated that at least 2.1 million people are affected, including 894 000 children, 1.4 million people in need of assistance, including 500 000 children, with at least 125 000 requiring protection from exploitation, violation and abuse;
- (3) The passage of Matthew has exacerbated the situation of the cholera epidemics in the country, especially in directly affected areas. Countrywide, cases have increased with 6 096 suspected cholera cases reported from 4 October to 9 November.
- (4) A total of 695 temporary shelters have been inventoried by IOM. Of these, 254 have been assessed, hosting 8 654 households, representing 35 074 individuals. OCHA estimates that 175 500 people are still living in 307 temporary shelters due to Matthew and some 80 000 houses have been damaged;
- (5) An estimated 116 000 children are out of school and around 86 schools located in Matthew affected areas continue to be used as shelters by displaced population;
- (6) To reach populations in need, humanitarian aid should be channelled through non-governmental organisations, international organisations including United Nations agencies or directly by the Commission. Where necessary, recourse to Member States' specialised agencies should also be possible. The Commission should therefore

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 58, 3.3.2015, p. 17.

implement the budget either by direct management or by indirect management in accordance with Articles 17 and 37 of Regulation (EU) 2015/323 together with Articles 58, 60 and 121 *et seq.* of Regulation (EU, Euratom) 2012/966.

- (7) An assessment of the humanitarian situation leads to the conclusion that humanitarian aid actions should be financed by the Union for a maximum period of 18 months.
- (8) Pursuant to Article 37 of Regulation (EU) 2015/323 and Article 130 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union³, and in view of the specific nature of humanitarian aid, expenditure incurred before the date of submission of a proposal for action should be eligible for Union funding.
- (9) The use of the 11th European Development Fund (EDF) set up by the Internal Agreement⁴ is necessary as all the funds for African, Caribbean and Pacific (ACP) countries in the general budget are entirely allocated.
- (10) It is estimated that an amount of EUR 16 000 000 from the reserve for Unforeseen Needs (B-envelope) of the 11th EDF is necessary to provide humanitarian assistance to populations directly affected by Hurricane Matthew. Although as a general rule actions financed by this Decision should be co-financed, the Authorising Officer should be able to agree to the financing of actions in full, in accordance with Articles 2(1) and 37(1) of Regulation (EU) 2015/323, together with Article 277 of Commission Delegated Regulation (EU) No 1268/2012⁵,
- (11) The measures provided for in this Decision are in accordance with the opinion of the European Development Fund Committee set up under Article 8 of the 11th EDF Internal Agreement.

HAS DECIDED AS FOLLOWS:

Article 1

1. A maximum amount of EUR 16 000 000 from the 11th European Development Fund for the financing of humanitarian aid actions in Haiti is approved.
2. The humanitarian aid actions financed under this Decision shall be implemented in order to mitigate the impact of Hurricane Matthew by ensuring coordinated and effective assistance through multi-sectoral support for those most affected in order to cover their basic food, education, shelter and protection needs and at the same time

³ OJ L 298, 26.10.2012, p. 1.

⁴ Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies (OJ L 210, 6.8.2013, p. 1.)

⁵ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362 of 31.12.2012, p. 1.)

protect and reinforce their livelihoods, considering intentional synergies and complementarity with longer-term development dynamics.

Article 2

1. The period for the implementation of each action financed under this Decision shall start on the date specified in the relevant agreement and may last up to 18 months.
2. Pursuant to Article 37 of Regulation (EU) 2015/323 and Article 130 of Regulation (EU, Euratom) No 966/2012, and in view of the specific nature of humanitarian aid, expenditure incurred before the date of submission of a proposal for action can be eligible for Union funding.
3. If the implementation of individual actions is suspended owing to force majeure or other exceptional circumstances, the period of suspension shall not be taken into account in the implementing period of the action suspended.
4. In accordance with the contractual provisions of the agreement, the Commission may consider eligible those costs arising and incurred after the end of the implementing period of the action which are necessary for its winding-up.

Article 3

1. Actions financed by this Decision shall, in principle, be co-financed.

The Authorising Officer by delegation may agree to the full financing of actions, in accordance with Article 37 of Regulation (EU) 2015/323, together with Article 277 of Commission Delegated Regulation (EU) No 1268/2012, where this will be necessary to achieve the objectives of this Decision and with due consideration to the nature of the activities to be undertaken, the availability of other donors and other relevant operational circumstances.

2. Actions financed under this Decision shall be implemented either by non-governmental organisations which fulfil the eligibility and suitability criteria laid down in Article 7 of Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid⁶ or by international organisations.
3. The Commission shall implement the budget:
 - (a) by direct management, with non-governmental organisations; or
 - (b) by direct or indirect management, with international organisations that are signatories to the Framework Partnership Agreements or the Financial Administrative Framework Agreement with the UN and have been subject to the *ex ante* assessment in accordance with Article 17 of Regulation (EU) 2015/323, together with Article 61 of Regulation (EU, Euratom) No 966/2012.

⁶ OJ L 163, 2.7.1996, p. 1.

Article 4

1. The amount of EUR 16 000 000 shall be conditional upon the necessary funds being made available under the 11th European Development Fund.

Done at Brussels, 25.1.2017

For the Commission
Christos STYLIANIDES
Member of the Commission