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**COMMISSION DECISION**

**of 18.12.2015**

**financing humanitarian actions in Mali and neighbouring countries Burkina Faso and  
Mauritania from the 11<sup>th</sup> European Development Fund**

**(ECHO/-WF/EDF/2015/02000)**

## COMMISSION DECISION

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### financing humanitarian actions in Mali and neighbouring countries Burkina Faso and Mauritania from the 11<sup>th</sup> European Development Fund

(ECHO/-WF/EDF/2015/02000)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) 2015/323 of 2 March 2015<sup>1</sup> on the financial regulation applicable to the 11<sup>th</sup> European Development Fund and in particular Article 26 thereof,

Having regard to Council Regulation (EU) 2015/322 of 2 March 2015<sup>2</sup> on the implementation of the 11<sup>th</sup> European Development Fund and in particular Articles 6 and 9(4) thereof,

Whereas:

- (1) Mali experienced a severe political and security crisis in 2012 and 2013. The northern part of the country was occupied by armed groups active in those regions and in the rest of the Sahara-Sahel region, and the normal functioning of Malian institutions was interrupted by a coup. Since then, the situation has improved. In 2013, the joint intervention by African and French military forces and the mobilisation of the international community helped support the return to normal constitutional order, leading to the election of Ibrahim Boubacar Keïta as President of the Republic and the holding of legislative elections. The United Nations established the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), was deployed on 1 July 2013 and has a mandate until 30 June 2016.
- (2) Since then, the process of peace building and the restoration of State authority has continued. The signature of the peace agreement on 20th June was an important step forward in the process of rebuilding mutual trust and confidence in Mali.
- (3) Despite the agreement, the situation on the ground remains fragile. During the last couple of months, Mali assisted to several violations of the ceasefire agreement; violent clashes also between communities and security incidents related to banditry are increasing. These events are a stark reminder of the complexity and unpredictability of the security environment in the Northern regions. Moreover, the access to populations in need is highly challenging. This insecurity and violence environment against civilians has had serious humanitarian consequences on the population of North Mali.

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<sup>1</sup> OJ L 58, 03.03.2015, p. 17

<sup>2</sup> OJ L 88, 03.03.2015, p. 1

An estimated 61 920 people (IOM Sep 17, 2015) are still internally displaced in Mali, two thirds of which are in the 3 northern regions. Both IDPs and host communities are in need of support, including food assistance.

- (4) Neighbouring countries continue to host 141 000 Malian refugees (UNHCR Oct 31, 2015): 50 000 in Mauritania, 57 000 in Niger (54 000 plus 3 000 waiting for being registered) and 34 000 in Burkina Faso. Due to insecurity and limited access to basic services in some areas, the conditions are still not favourable for a safe, dignified and sustainable return of refugees and internally displaced people.
- (5) The food security situation in Mali is critical. The results of the Cadre Harmonisé, November 2015, estimate that during the period of June, July and August 2016, 2 098 000 persons will be food insecure (phase 2) and 294 000 in need of emergency food assistance (phase 3 to 5). The majority of the 294 000 live in the Northern regions Mopti, Tombouctou, Gao and Kidal.
- (6) A critical nutrition situation with a national global malnutrition rate of 12.4 % and a severe acute malnutrition rate of 2.8 % exceeding the WHO emergency thresholds; this year, 180 000 children under five are affected by severe acute malnutrition (SMART 2015). The malnutrition rates are especially alarming in the Tombouctou regions where the severe acute malnutrition rate reaches 17.5 % and severe acute malnutrition rate 3.5%.
- (7) 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. The Commission should therefore 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) 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 Union<sup>3</sup>.
- (8) For the purposes of this Decision, the three countries involved are Mali, Burkina Faso and Mauritania.
- (9) Pursuant to Article 37 of Council 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 can be eligible for Union funding.
- (10) The use of the 11<sup>th</sup> European Development Fund (EDF) set up by the Internal Agreement ('Internal Agreement')<sup>4</sup> is necessary as all the funds for ACP countries in the general budget are entirely allocated.

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<sup>3</sup> OJ L 298, 26.10.2012, p. 1.

<sup>4</sup> 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.)

- (11) It is estimated that an amount of EUR 5 000 000 from the reserve for Unforeseen Needs (B-envelope) of the 11<sup>th</sup> EDF is necessary to provide humanitarian assistance to populations directly affected by the conflict. 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 Article 37(1) of Regulation (EU) 2015/323, together with Article 277 of Commission Delegated Regulation (EU) No 1268/2012<sup>5</sup>.
- (12) The Commission will inform the EDF Committee set up under Article 8 of the Internal Agreement within one month of the adoption of the Decision,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. A maximum amount of EUR 5 000 000 from the 11<sup>th</sup> European Development Fund for the financing of humanitarian aid actions is approved.
2. The humanitarian actions financed under this Decision shall be implemented in order to provide food and health assistance and to develop livelihood activities for the populations in Northern Mali and to maintain assistance to refugees in the neighbouring countries Burkina Faso and Mauritania by ensuring a coordinated humanitarian response for those most affected by the conflict and by the security environment in Northern Mali and for the malian refugees in Burkina Faso and Mauritania.

*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 12 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 applicable contractual provisions, 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.

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<sup>5</sup> 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, 31.12.2012, p. 1.)

### 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 established in Article 7 of Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid<sup>6</sup>, or by international organisations.
3. The Commission shall implement the budget:
  - (a) either 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.

Done at Brussels, 18.12.2015

*For the Commission*  
*Christos STYLIANIDES*  
*Member of the Commission*

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<sup>6</sup> OJ L 163, 2.7.1996, p. 1.