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**COMMISSION DECISION**

**of 2.5.2017**

**on the financing of humanitarian actions in South Sudan and in neighbouring countries  
(Ethiopia, Kenya, Sudan and Uganda) impacted by the South Sudan crisis to be  
financed from the 11<sup>th</sup> European Development Fund (EDF)**

**ECHO/-AF/EDF/2017/01000**

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**on the financing of humanitarian actions in South Sudan and in neighbouring countries (Ethiopia, Kenya, Sudan and Uganda) impacted by the South Sudan crisis to be financed from the 11<sup>th</sup> European Development Fund (EDF)**

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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 11<sup>th</sup> European Development Fund<sup>1</sup>, and in particular Article 6 and Article 9(3) thereof,

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

Whereas:

- (1) The Council of the European Union signalled on 12 December 2016 that the Union is profoundly disturbed by developments in South Sudan. Fighting between the Sudan People's Liberation Army, the Sudan People's Liberation Army in Opposition and armed groups has increased in scope and intensity since July. South Sudan is at risk of complete fragmentation and there is a risk of destabilisation for the whole region.
- (2) South Sudanese are now the largest refugee population in Africa. More than one and a half million refugees have sought protection in neighbouring countries, and thousands continue to do so, dramatically increasing pressure on resources and living conditions in host countries. These refugees are disproportionately women and children, creating particular needs in both in terms of protection and education. United Nations High Commissioner for Refugees ('UNHCR') and ECHO Partners estimate about half a million additional refugees across the region in 2017. Significant underfunding continues to hamper the humanitarian response to the South Sudanese refugee crisis and the 2016 Regional Refugee Response Plan ('RRRP'), with requirements of US\$ 759 million, was only 40% funded. Scaling up the humanitarian response is crucial to support refugees and to relieve pressure on host communities that already have very limited access to basic services.
- (3) South Sudanese refugees are fleeing conflict and hunger. Since the beginning of the conflict there have been atrocious acts of violence committed against civilians, often with an ethnic motivation; recruitment and use of child soldiers, attacks on schools, on hospitals and on humanitarian workers. Sexual and gender-based violence are repeatedly being used as a weapon of war. Inflammatory rhetoric, on the part of both government and opposition, is whipping up ethnic animosities. The Transitional

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

<sup>2</sup> OJ L 58, 03.03.2015, p. 17

Government of National Unity is severely restricting fundamental freedoms and applying relentless pressure on civil society and on the media.

- (4) The humanitarian situation in South Sudan is at its worst since the country gained independence five years ago. It is estimated that seven and a half million people are in need of humanitarian assistance. Almost two million persons are internally displaced, often subsisting in appalling conditions or in UN Protection of Civilians sites, which remain extremely vulnerable to attack. Access restrictions and violence continue to obstruct humanitarian operations. Since the start of the conflict in December 2013, seventy two humanitarian workers have been killed.
- (5) More than five million people are food insecure in South Sudan. On 20 February 2017, the UN World Food Programme ('WFP'), the UN Food and Agriculture Organization ('FAO') and the UN International Children's Emergency Fund ('UNICEF') declared a local famine in South Sudan with 100 000 people affected<sup>3</sup>. The UN bodies warned that the famine would spread further unless humanitarian aid is provided to the people in need. Access to basic services, such as health, is extremely limited. The humanitarian crisis is further exacerbated by the disastrous economic situation in South Sudan.
- (6) The Sudanese populations in South Sudan and in neighbouring countries impacted by the South Sudan crisis (Ethiopia, Kenya, Sudan and Uganda) should benefit from assistance under this Decision in accordance with Articles 6(4) and 9 of Annex IV to the Cotonou Agreement<sup>4</sup>.
- (7) The Specific Action 1 is to address the humanitarian needs of South Sudanese refugees in neighbouring countries, whereas the Specific Action 2 is to increase the scale, coverage and sustainability of life-saving humanitarian activities in South Sudan.
- (8) It is necessary to adopt a financing decision the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012<sup>5</sup>, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323.
- (9) The Commission should entrust budget-implementation tasks under indirect management, subject to the conclusion of delegation agreements, to international organisations that are signatories of the Framework Partnership Agreements or the Financial Administrative Framework Agreement with the UN and have been subject to the ex ante pillar assessment in accordance with Article 17 of Regulation (EU) 2015/323, together with Article 61 of Regulation (EU, Euratom) No 966/2012. In accordance with Article 60(1)(c) and Article 60 (2) of Regulation (EU, Euratom) No 966/2012, applicable in accordance with Article 2(1) and Article 17 of Regulation (EU) No 2015/323, the authorising officer responsible needs to ensure that these

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<sup>3</sup> Food and Agriculture Organization of the United Nations (FAO), World Food Programme (WFP), United Nations International Children's Emergency Fund (UNICEF), Joint FAO/UNICEF/WFP Statement on famine in South Sudan, 20 February 2017.

<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).

<sup>5</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) 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).

entities guarantee a level of protection of the financial interests of the Union equivalent to that required when the Commission manages Union funds.

Entities for which the new pillar assessment is already in place, comply with the conditions set out in points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary.

Where at the stage of signing delegation agreements the entities to be awarded funding are currently undergoing the assessment provided for in Article 61 of Regulation (EU, Euratom) No 966/2012, in anticipation of the results of this review, funding may nonetheless be awarded to said entities, provided that the authorising officer responsible deems that, based on the entities' previous positive assessment, including any assessment carried out prior to the entry into force of Regulation (EU, Euratom) No 966/2012, and based on the long-standing and problem-free cooperation with these entities, budget-implementation tasks can be entrusted to said entities.

- (10) The authorising officer responsible should be able to award grants without a call for proposals only in the exceptional cases set out in Article 190 of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 37(1) of Regulation (EU) No 2015/323.
- (11) The Commission should authorise the eligibility of costs as of a date preceding that of submission of a grant application for reasons of extreme urgency in humanitarian aid operations.
- (12) It is necessary to allow for the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 29(1) of Regulation (EU) No 2015/323.
- (13) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) No 2015/323, any substantial change to a financing decision that has already been adopted should follow the same procedure as the initial decision. It is therefore appropriate that the Commission defines the changes to this Decision that are considered non substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (14) The measure provided for in this Decision is in accordance with the opinion of the EDF Committee established under Article 8 of the Internal Agreement<sup>6</sup>.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

#### **Adoption of the measure**

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<sup>6</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).

The financing of humanitarian actions in South Sudan and in neighbouring countries (Ethiopia, Kenya, Sudan and Uganda) impacted by the South Sudan crisis to be financed from the 11th European Development Fund (EDF) is adopted.

The measure shall include the following actions:

- (a) Specific Action 1: Address the humanitarian needs of South Sudanese refugees in neighbouring countries, strengthening the humanitarian-development nexus and focusing in particular on increasing sustainability and resilience.
- (b) Specific Action 2: Increase the scale, coverage and sustainability of life-saving humanitarian activities in South Sudan in order to strengthen people's and communities' coping strategies, whilst pursuing resilience activities whenever possible.

## *Article 2*

### **Financial contribution**

The maximum contribution of the European Union for the implementation of the measure referred to in Article 1 is set at EUR 100 million and shall be financed from the 11<sup>th</sup> European Development Fund.

A total of EUR 70 million from the 11<sup>th</sup> European Development Fund is allocated to Specific Action 1.

A total of EUR 30 million from the 11<sup>th</sup> European Development Fund is allocated to Specific Action 2.

The financial contribution provided for in the first paragraph may also cover interest due for late payment.

## *Article 3*

### **Methods of implementation**

Budget-implementation tasks under indirect management may be entrusted, subject to the conclusion of the relevant delegation agreements, to 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 pillars assessment in accordance with Article 17 of Regulation (EU) 2015/323, together with Article 61 of Regulation (EU, Euratom) No 966/2012.

Grants may be awarded to 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 aid, international organisations or Member States' specialised services without a call for proposals by the authorising officer responsible in accordance with Article 190 of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 37(1) of Regulation (EU) 2015/323.

The eligibility of costs prior to the submission of grant applications shall be authorised as of 20 February 2017, the date of the declaration of local famine in South Sudan.

## *Article 4*

### **Non-substantial changes**

Increases or decreases of up to EUR 10 million not exceeding 20 % of the contribution set in the first paragraph of Article 2, 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 within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, applicable in accordance with Article 2(1) and Article 26 of Regulation (EU) 2015/323, provided that they do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 2.5.2017

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