



Brussels, 2.12.2015
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COMMISSION DECISION

of 2.12.2015

**financing humanitarian actions in the Greater Horn of Africa from the 11th European
Development Fund**

(ECHO/-HF/EDF/2015/01000)

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financing humanitarian actions in the Greater Horn of Africa from the 11th European Development Fund

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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) Since March 2015, evidence has been increasing for 2015 becoming a year when the El Niño weather conditions have a particularly strong impact on vulnerable populations around the globe. In the Greater Horn of Africa region, the humanitarian consequences of El Niño - particularly severe food insecurity - are now confirmed. This year's El Niño phenomenon is considered among the strongest since records began in the region.
- (2) Over 13 million people are currently food insecure in the Greater Horn of Africa region and the situation keeps on worsening.
- (3) However, the peak strength of this El Niño is expected between October 2015 and January 2016 and coincides with the short rainfall season in most countries in the region. By early and mid-2016, up to 3.5 million people are expected to be affected by floods and at least 22 million people by food insecurity.
- (4) 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 thereof 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.

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 58, 3.3.2015, p. 17.

- (5) An assessment of the humanitarian situation leads to the conclusion that humanitarian aid actions should be financed by the Union for a period of 18 months.
- (6) For the purposes of this Decision, the Greater Horn of Africa countries involved are Djibouti, Ethiopia, Eritrea, Somalia, Kenya, Sudan and Uganda.
- (7) Sudanese populations should benefit from assistance under this Decision in accordance with Articles 6(4) and 9 of Annex IV to the Cotonou Agreement³.
- (8) Pursuant to Article 37 of Council 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 Union⁴, 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 Agreement⁵ 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 78 000 000 from the reserve for unforeseen needs (B-envelope) of the 11th EDF is necessary to provide humanitarian assistance to the most vulnerable populations directly or indirectly affected by events linked to the El Niño phenomenon. 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 1268/2012⁶.
- (11) Within 14 days of the adoption of this Decision and in line with Article 14(4) of Regulation (EU) 2015/322, the Commission will submit this Decision to the EDF Committee set up under Article 8 of the 11th EDF Internal Agreement, in order to obtain its opinion,

³ Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (OJ L 317, 15.12.2000, p. 3.), as first amended in Luxembourg on 25 June 2005 (OJ L 209, 11.08.2005, p. 27) and as amended for the second time in Ouagadougou on 22 June 2010 (OJ L 287, 4.11.2010, p. 3)

⁴ OJ L 298, 26.10.2012, p. 1.

⁵ 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.)

⁶ 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.)

HAS DECIDED AS FOLLOWS:

Article 1

1. A maximum amount of EUR 78 000 000 from the 11th European Development Fund for the financing of humanitarian aid actions is approved.
2. The humanitarian aid actions financed under this Decision shall be implemented in order to prevent excess mortality and morbidity among the population directly or indirectly affected by the events linked to the El Niño phenomenon in the Greater Horn of Africa by providing a coherent, life-saving, multi-sectoral response to the populations directly or indirectly affected by the the El Niño events while strengthening the resilience of the most vulnerable propulations.
3. The Authorising Officer may decide on non-substantial changes in accordance with Articles 2(1) and 26 of Regulation (EU) 2015/323, together with Article 94(4) of Delegated Regulation (EU) No 1268/2012. Accordingly, if necessary in light of the changing circumstances the maximum contribution authorised by this Decision may be increased, by a maximum of 20% of the amount specified in paragraph 1.

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 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 aid⁷ 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

Done at Brussels, 2.12.2015

For the Commission
Christos STYLIANIDES
Member of the Commission

⁷ OJ L 163, 2.7.1996, p. 1.