



Brussels, 1.12.2015
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COMMISSION DECISION

of 1.12.2015

**financing humanitarian actions in the Caribbean from the 11th European Development
Fund**

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

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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) The 2015 drought that is currently affecting the Caribbean is considered to be the worst drought in the region in 115 years, exacerbated by the El Niño phenomenon;
- (2) It is estimated that more than 3.5 million people are affected in the entire region (with Haiti, Dominican Republic, Cuba, Jamaica and St. Lucia the most affected);
- (3) The lack of water in the region has negatively impacted crops, killed livestock, caused reservoirs to dry up and affected the livelihoods of many people;
- (4) The El Niño phenomenon is foreseen to persist until 2016 and might be as strong as the episode of 1997-98 which caused severe affectation in the region;
- (5) 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 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.
- (6) 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.

¹ OJ L 58, 3.3.2015, p. 1.

² OJ L 58, 3.3.2015, p. 17.

- (7) For the purposes of this Decision, the Caribbean countries involved are mainly Haiti and the Dominican Republic, and regional actions are foreseen for the rest of the Caribbean countries.
- (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 9 000 000 from the reserve for Unforeseen Needs (B-envelope) of the 11th EDF is necessary to provide humanitarian assistance to populations directly affected by the ongoing drought. 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 Commission will inform the EDF Committee set up under Article 8 of the 11th EDF Internal Agreement within one month of the adoption of the Decision.

HAS DECIDED AS FOLLOWS:

Article 1

1. A maximum amount of EUR 9 000 000 from the 11th European Development Fund for the financing of humanitarian aid actions in the Caribbean is approved.
2. The humanitarian aid actions shall be implemented in order to mitigate the impact of El Niño on populations affected by drought in the Caribbean by ensuring coordinated and effective assistance through multi-sectoral support for those most affected by the El Niño effects in the Caribbean region in order to cover their basic needs and strengthen resilience.

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.)

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.

Done at Brussels, 1.12.2015

For the Commission
Christos STYLIANIDES
Member of the Commission