



Brussels, 24.4.2020
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COMMISSION DECISION

of 24.4.2020

on the financing of Emergency Support under Council Regulation (EU) 2016/369

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COMMISSION DECISION**of 24.4.2020****on the financing of Emergency Support under Council Regulation (EU) 2016/369**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

Having regard to Council Regulation (EU) 2016/369² as amended by Council Regulation (EU) 2020/521³, and in particular Articles 3, 4 and 5 thereof,

Whereas:

- (1) In order to ensure the implementation of Emergency Support under Council Regulation (EU) 2016/369 (“Emergency Support Instrument”), it is necessary to adopt a financing decision authorising the financing of specific actions. Article 110 of Regulation (EU, Euratom) 2018/1046 (‘the Financial Regulation’) establishes detailed rules on financing decisions.
- (2) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (3) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (4) In order to ensure effective and efficient implementation of some Emergency Support actions for year 2020, it is necessary to use indirect management for their implementation.
- (5) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of the Financial Regulation. To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation⁴ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 70, 16.3.2016, p.1.

³ OJ L 117, 15.4.2020, p. 3.

⁴ Except for the cases of Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

- (6) Emergency support should be provided within the Union in an efficient and accountable manner. To that effect, the Commission should be able to rely on efficient, appropriate and effective technical assistance during the operations to assess needs and to maximise the benefits of aid. Such technical assistance should include, on an ad hoc and temporary basis, the assistance to be provided by experts recruited by the Commission under direct employment contracts pursuant to Article 3 of Regulation (EC) No 1257/96.
- (7) In order to allow for flexibility in the implementation of the Emergency Support actions, due to the emergency nature of the actions and the necessity to rapidly adapt to urgent needs linked to the COVID-19 crisis, it is appropriate to allow changes, which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (8) An ESI Steering Committee composed of the Director Generals for Budget, for Health and Food Safety, for Internal Market Industry, Entrepreneurship and SMEs, for European Civil Protection and Humanitarian Aid Operations, and for Migration and Home Affairs and chaired by the Secretary-General has been created for the purposes of coordinated implementation of the Emergency Support Instrument⁵. That coordination role includes proposing the actions to be implemented, as well as eventual changes to the allocations to specific Emergency Support actions.
- (9) Following the adoption of the amended Union budget for 2020, EUR 2.7 billion has been authorised by the budgetary authority for the implementation of the Emergency Support actions for 2020.
- (10) Due to the unprecedented nature and rapid development of the COVID-19 crisis, it is necessary to implement the actions of the Emergency Support Instrument rapidly and to adapt them and their budget constantly to the needs that will arise throughout all its phases. It is therefore appropriate that the Commission decides on the gradual use of the overall amount of EUR 2.7 billion on actions that the ESI Steering Committee proposes to the Commission to be implemented,

HAS DECIDED AS FOLLOWS:

Article 1
The Emergency Support actions

The annual financing decision, for the financing of the actions for the implementation of the Emergency Support Instrument for 2020 as set out in the Annex, is adopted.

Article 2
Union contribution

The Union contribution for the implementation of the Emergency Support actions for 2020 is set at EUR 320 million from the appropriations entered in the following line of the general budget of the Union:

- (a) budget line 18 07 01 Emergency support within the Union: EUR 320 000 000;
- (b) budget line 18 01 04 05 Support expenditure for Emergency support within the Union: EUR 250 000.

⁵ GRI fiche SI(2020) 128.

The Emergency Support actions will also be financed from contributions from other donors received until 15 December 2020 and entered in the following budget line: 18 07 01 Emergency support within the Union.

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

Article 3

Methods of implementation and entrusted entities or persons

The implementation of actions carried out by way of indirect management, as set out in the Annex, may be entrusted to entities or persons referred to or selected in accordance with the criteria laid down in that Annex and in line with Article 3(4) of Regulation 2016/369.

Article 4

Flexibility clause

Cumulated changes to the allocations to specific Emergency Support actions not exceeding 30% of the maximum Union contribution set in the first paragraph of Article 2 of this Decision shall not be considered to be substantial for the purposes of Article 110(5) of the Financial Regulation, as long as those changes do not significantly affect the nature of the actions and the objective of this financing decision. The increase of the maximum Union contribution set in the first paragraph of Article 2 of this Decision shall not exceed 10%.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality, taking into account the specific nature of the Emergency Support Instrument as a crisis management instrument.

Article 5

Grants

Grants may be awarded without a call for proposals, in accordance with the conditions set out in the Annex. Grants may be awarded to the bodies referred to in the Annex and/or selected in accordance with point 1 of the Annex.

Article 6

Technical assistance

The technical assistance which the Commission can avail itself under Article 5(3) of Regulation (EU) 2016/369 may include the assistance to be provided by experts recruited by the Commission under direct employment contracts pursuant to Regulation (EC) No 1257/96.

Done at Brussels, 24.4.2020

For the Commission

Johannes HAHN

Member of the Commission