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COMMISSION IMPLEMENTING DECISION

of 11.1.2019

**on the financing of humanitarian aid actions from the 2019 general budget of the
European Union - ECHO/WWD/BUD/2019/01000**

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on the financing of humanitarian aid actions from the 2019 general budget of the European Union - ECHO/WWD/BUD/2019/01000

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 (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid² ('the Humanitarian Aid Regulation' or 'HAR'), and in particular Article 1, Article 2, Article 4 and Article 15(2) and (3) thereof,

Having regard to Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('the Overseas Association Decision')³, and in particular Article 79 thereof,

Whereas:

- (1) In order to ensure the implementation of the humanitarian aid actions of the Union for 2019, it is necessary to adopt an annual financing decision for 2019. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (2) The human and economic losses caused by natural disasters are devastating. These natural disasters, be they sudden or slow onset, that entail major loss of life, physical and psychological or social suffering or material damage, are constantly increasing, and with them so is the number of victims. Man-made humanitarian crises, resulting from wars or outbreaks of fighting (also called complex or protracted crises) account for a large proportion of, and are, the main source of humanitarian needs in the world. There is also a need for international support for preparedness activities. Disaster preparedness aims at reducing the impact of disasters and crises on populations, allowing early warning and early action to better assist those affected.
- (3) The humanitarian aid funded under this Decision should also cover essential activities and support services to humanitarian organisations as referred to in Articles 2(c) and 4 HAR, including notably the protection of humanitarian goods and personnel.
- (4) The Union became party to the Food Assistance Convention on 28 November 2012; the Convention entered into force on 1 January 2013. In accordance with Article 5 of

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 163, 2.7.1996, p. 1.

³ OJ L 344, 19.12.2013, p. 1.

the Convention, an amount of EUR 350 000 000, to be spent as food and nutrition assistance funded under this Decision, is to be counted towards the minimum annual commitment for the year 2019 of the Union under the Food Assistance Convention.

- (5) Although as a general rule grants funded by this Decision should be co-financed, by way of derogation, the Authorising Officer in accordance with Article 190(3) of the Financial Regulation, may agree to their full financing.
- (6) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU. The needs-based and impartial nature of humanitarian aid implies that the Union may be called to finance humanitarian assistance in crises and countries covered by Union restrictive measures. In such situations, and in keeping with the relevant principles of international law and with the principles of impartiality, neutrality and non-discrimination referred to in Article 214(2) of the Treaty on the Functioning of the European Union, the Union should allow and facilitate rapid and unimpeded access to humanitarian relief by civilians in need. The relevant Union restrictive measures should therefore be interpreted and implemented in such a manner as not to preclude the delivery of humanitarian assistance to the intended beneficiaries.
- (7) The Commission may acknowledge and accept contributions from other donors in accordance with Article 21(2)(b) of the Financial Regulation, subject to the signing of the relevant agreement. Where such contributions are not denominated in euro, a reasonable estimate of conversion should be made.
- (8) It is advisable to maintain a part of the Union budget for humanitarian aid unallocated in order to cover unforeseen operations, as part of an operational reserve.
- (9) In cases where Union funding is granted to non-governmental organisations in accordance with Article 7 HAR, in order to guarantee that the beneficiaries of that funding are able to meet their commitments in the long term, the Authorising Officer responsible should verify if the non-governmental organisations concerned satisfy the requisite eligibility and selection criteria, notably as regards their legal, operational and financial capacity. The verification to be made should also seek to confirm whether the non-governmental organisations concerned are able to provide humanitarian aid in accordance with the humanitarian principles set out in the European Consensus on Humanitarian Aid⁴.
- (10) In cases where the Union finances humanitarian aid operations of Member States' specialised agencies in accordance with Article 9 HAR, in order to guarantee that the beneficiaries of Union grants are capable of fulfilling their commitments in the long run, the Authorising Officer responsible should verify the legal, operational and, where the entities or bodies concerned are governed by private law, financial capacity of any Member States' specialised agencies desiring to receive financial support under this Decision. The verification to be made should notably seek to confirm whether the Member States' specialised agencies concerned are able to provide humanitarian assistance or equivalent international relief outside the Union in accordance with the humanitarian principles set out in the European Consensus on Humanitarian Aid.
- (11) Pursuant to Article 195(a) Financial Regulation, it is appropriate to authorise the award of grants without a call for proposals to the non-governmental organisations

⁴ Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission (OJ C 25, 30.1.2008, p. 1).

satisfying the eligibility and suitability criteria referred to in Article 7 HAR for the purpose of humanitarian aid.

- (12) In order to ensure an effective delivery in the field of Union-funded humanitarian aid in all relevant crisis contexts while taking into account the specific mandates of international organisations, such as the United Nations and the international component of the Red Cross and Red Crescent movement (International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies), it is necessary to use indirect management for the implementation of Union-funded humanitarian aid operations.
- (13) 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 Regulation⁵ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (14) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) Financial Regulation.
- (15) It is appropriate to reserve appropriations for a trust fund in accordance with Article 234 Financial Regulation in order to strengthen the international role of the Union in external actions and development and to increase its visibility and efficiency.
- (16) In order to allow for flexibility in the implementation of the financing decision, it is appropriate to define the term 'substantial change' within the meaning of Article 110(5) of the Financial Regulation.
- (17) The measures provided for in this Decision are in accordance with the opinion of the Humanitarian Aid Committee established by Article 17(1) HAR.

HAS DECIDED AS FOLLOWS:

Article 1

Union-funded humanitarian aid actions in 2019

1. The annual financing decision for the implementation of Union-funded humanitarian aid actions in 2019 and the Union-funded humanitarian aid operational priorities for 2019 under Council Regulation (EC) No 1257/96 as set out in the Annex, are adopted.

The Union-funded humanitarian aid operational priorities for 2019 shall include:

- (a) Providing humanitarian aid to vulnerable people affected by natural disasters, man-made crises or exceptional situations or circumstances comparable to natural or man-made disasters, which have entailed or are likely to continue entailing major loss of life, physical and psychological or social suffering or material damage;
- (b) Providing first initial response to cover the immediate needs of the most vulnerable in the days after a large scale emergency or a sudden onset

⁵ Except for the cases of Article 154(6) of the Financial Regulation, where the Commission may decide, not to require an ex-ante assessment.

humanitarian crisis as well as humanitarian assistance for response and disaster preparedness to populations affected by disasters where a small scale response is adequate and to populations affected by epidemic outbreaks;

- (c) Supporting strategies and complementing existing strategies that enable local communities and institutions to better prepare for, mitigate and respond adequately to natural disasters by enhancing their capacities to cope and respond, thereby increasing resilience and reducing vulnerability;
 - (d) Strengthening the global humanitarian preparedness and response capacity of humanitarian partners by increasing the effectiveness and reinforcing the capacity of international humanitarian organisations and non-governmental organisations to assess, analyse, prepare and respond to humanitarian crises;
 - (e) Increasing awareness, understanding of and support for humanitarian issues, especially in Europe and in third countries where the Union is funding major humanitarian operations through public awareness and information campaigns;
 - (f) Supporting and reinforcing the provision of high quality training for humanitarian professionals;
 - (g) Improving the conditions for delivering humanitarian aid by supporting transport services to ensure that aid is accessible to beneficiaries, including by means of medical evacuation of humanitarian staff where the unavailability of such transport services could adversely affect the timely and effective provision of assistance to beneficiaries;
 - (h) Increasing the coherence, quality and effectiveness of humanitarian aid, by the provision of expertise to assist policy development in support to humanitarian aid actions and by reinforcing networking between humanitarian non-governmental organisations;
 - (i) Contributing to the resilience of populations and communities in need.
2. An amount of EUR 350 000 000, to be spent as food and nutrition assistance funded under this Decision, is to be counted towards the minimum annual commitment for the year 2019 of the European Union under the Food Assistance Convention.

Article 2
Union contribution

1. The maximum Union contribution for the implementation of the Union-funded humanitarian aid actions for 2019 is set at EUR 1 490 471 335, and shall be financed from the appropriations entered in the following lines of the general budget of the Union:
 - (a) budget line 23 02 01: EUR 1 440 471 335;
 - (b) budget line 23 02 02: EUR 50 000 000.
2. The amount referred to in the first paragraph includes contributions from other donors to the general budget of the European Union as external assigned revenue as provided for in the Annex.
3. The Authorising Officer responsible may, in accordance with Article 190(3) Financial Regulation, agree to grants involving full financing when this will be necessary to achieve the objectives of the related action and with due consideration to the nature of the activities to be undertaken, the availability of other donors and

other relevant operational circumstances, from which it would appear that such full financing is essential for the action financed by the grant concerned to be carried out.

4. The appropriations provided for in the first paragraph may also cover interest due for late payment.
5. The implementation of this Decision is subject to the availability of the appropriations provided for in the draft general budget of the Union for 2019, following the adoption of that budget by the budgetary authority or as provided for in the system of provisional twelfths.

Article 3

Methods of implementation and entrusted entities or persons

1. The implementation of the actions carried out by way of indirect management, as set out in the Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5 of that Annex.
2. The implementation of the actions carried out by way of direct management, as set out in the Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in points 2 and 3 of that Annex.
3. In cases where the Union finances humanitarian aid operations of a non-governmental organisation in accordance with Article 7 HAR, the Authorising Officer responsible shall verify before awarding a framework partnership or an individual financing that the organisation satisfies the eligibility and suitability criteria provided for in Article 7 HAR, as specified by the Authorising Officer responsible in pursuance of the Financial Regulation when determining the criteria for the award of framework partnership or individual financing. This verification shall also seek to confirm whether the non-governmental organisation is able to provide humanitarian aid in accordance with the humanitarian principles.
4. In cases where the Union finances humanitarian aid operations of a Member States' specialised agency in accordance with Article 9 HAR, the Authorising Officer responsible shall verify before awarding the first financing whether the agency has legal personality and sufficient operational and, where the agency is governed by private law, financial capacity to provide humanitarian assistance or equivalent international relief outside the Union in accordance with the humanitarian principles set out in the European Consensus on Humanitarian Aid.

Article 4

Flexibility clause

Cumulated changes⁶ to the allocations to the specific actions listed in Article 1(1) not exceeding 20% of the maximum contribution set in Article 2 of this Decision shall not be considered to be substantial within the meaning of Article 110(5) of the Financial Regulation, where those changes do not significantly affect the nature of the actions and the objective of the present measure. The increase of the maximum contribution set in Article 2 of this Decision shall not exceed 20%.

⁶ These changes can come from assigned revenue made available after the adoption of the financing decision.

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.

Article 5
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex. They may be awarded to the bodies referred to therein.

Done at Brussels, 11.1.2019

For the Commission
Christos Stylianides
Member of the Commission