



Brussels, 14.3.2018
C(2018) 1500 final

COMMISSION DECISION

of 14.3.2018

on the Facility for Refugees in Turkey amending Commission Decision C(2015)9500 as regards the contribution to the Facility for Refugees in Turkey

EXPLANATORY MEMORANDUM

Adoption of the Commission Decision on the Facility for Refugees in Turkey amending Commission Decision C(2015)9500 as regards the contribution to the Facility for Refugees in Turkey

The Facility for Refugees in Turkey was set up in 2015 as a powerful demonstration of the EU's commitment to supporting refugees in Turkey. It combined both humanitarian and non-humanitarian support to assist Turkey in its efforts to host refugees. The first tranche of funding under the Facility amounted to EUR 3 billion for 2016 and 2017.

The mobilisation of the first tranche of the Facility for Refugees in Turkey has been a success. The full operational envelope of the EUR 3 billion has been programmed, committed and contracted in the space of 21 months since the EU-Turkey Statement of March 2016. The 2nd Annual Report on the Facility¹ includes detailed information on the achievements and the implementation of a total of 72 projects. The report confirms tangible results. This includes the delivery of monthly income support to almost 1.2 million of the most vulnerable refugees with monthly cash transfers under the Emergency Social Safety Net; the provision of Turkish language training to 312 000 refugee children and educational materials to 500 000 students; and primary health care consultations for almost 764 000 refugees and the vaccination of more than 217 000 Syrian refugee infants. The governance of the Facility also allowed a partnership approach between the EU and the Member States, and joint governance would not be possible with funding coming exclusively from the EU budget.

The EU has a strong interest in continuing what has proved to work well. This Commission Decision has therefore been prepared with the aim of ensuring that the valuable work of the Facility can continue, as set out in the EU-Turkey Statement.

The EU-Turkey Statement confirmed that the EU will mobilise an additional EUR 3 billion for the Facility by end-2018 if the relevant conditions were met. With a view to ensuring the continuity of Facility projects and uninterrupted support to refugees, a decision on additional funding is therefore required. Therefore, the Commission is adopting a decision on a second allocation of EUR 3 billion for the Facility for Refugees in Turkey. The 2016 and 2017 budget mobilised under the Facility was made up of EUR 1 billion from the EU budget and EUR 2 billion from Member States contributions as external assigned revenue. It is proposed to continue this arrangement for 2018 and 2019. This distribution ensures that sufficient margins remain in the EU budget to deal with emergencies and unexpected crises until the end of the current multi-annual financial framework, in particular in the area of migration.

¹ Commission Communication COM(2018)91 of 13/03/2018

The mobilisation of contributions from Member States to the Facility for 2016 and 2017 followed a Common Understanding establishing a governance and conditionality framework for the Refugee Facility for Turkey by the Commission and the Representatives of the Governments of the 28 Member States.² The governance structure of the Facility, the core of which is a committee in which all Member States vote and Turkey participates in an advisory capacity, has proven very effective. Were the EU budget alone to contribute to the second tranche, standard EU rules would apply and the Member States would be excluded from the governance of the Facility. The Commission invites the Member States to set up a similar arrangement in respect of the years 2018 and 2019, with individual financial contributions from Member States to be included in the Union's budget as external assigned revenue, as was the case for the first tranche.

² Common Understanding establishing a governance and conditionality framework for the Refugee Facility for Turkey by the Commission and the Representatives of the Governments of the 28 Member States of 5 February 2016

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular its Articles 210(2) and Article 214(6),

Whereas:

- (1) Point 6 of the EU-Turkey Statement of 18 March 2016 (the 'Statement') stated that the Union would mobilise funding for the Facility of an additional EUR 3 000 000 000 up to the end of 2018 once the initially allocated EUR 3 000 000 000 under the Facility for Refugees in Turkey (the 'Facility') are about to be used to the full and provided the relevant conditions are met.
- (2) The Representatives of the Governments of the Member States drew up on 3 February 2016 a 'Common Understanding establishing a governance and conditionality framework for the Refugee Facility for Turkey between the EU Member States and the Commission' (the 'Common Understanding').
- (3) The Commission notes that the distribution of contributions for the first tranche was EUR 1 000 000 000 from the Union budget and EUR 2 000 000 000 from Member States. It considers that the second tranche should follow the same distribution for 2018 -2019.
- (4) The progressive delivery of the assistance is conditional on the continued implementation of the understanding between the European Union and the Republic of Turkey to step up their cooperation on support of persons under temporary protection and migration management in a coordinated effort to address the crisis.
- (5) The individual financial contributions from Member States should be included in the Union's budget as external assigned revenue in accordance with Article 21(2)(b) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council³. The Commission, as having the sole responsibility for implementing the Union's budget in accordance with Article 317 of the Treaty, should be provided, on behalf of the Union, with contribution certificates by the Member States. Each contribution certificate expressed in euro has the effect of allowing the Commission to make the relevant commitment appropriation available upon receiving that certificate, in line with Article 7(2) of Commission Delegated Regulation (EU) No 1268/2012⁴. The individual contribution certificates are to be based on a single template allowing for adaptation, where necessary, to specific needs.

³ 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 Union and repealing Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

⁴ OJ L 362, 31.12.2012, p. 1.

- (6) Decisions relating to and actions providing humanitarian assistance will be implemented in line with Council Regulation (EC) No 1257/96⁵ and according to the principles laid down in the European Consensus on Humanitarian Aid⁶.
- (7) For the above reasons it is necessary to amend Commission Decision C(2015) 9500 accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Commission Decision C(2015) 9500 is amended as follows:

1. Article 1 is replaced by the following:

‘This Decision establishes a coordination mechanism - the Facility for Refugees in Turkey (“the Facility”) - to assist Turkey in addressing the immediate humanitarian and development needs of the refugees and persons eligible for subsidiary protection and their host communities, national and local authorities in managing and addressing the consequences of the inflow of refugees and persons eligible for subsidiary protection.’;

2. In Article 2, paragraph 2 is replaced by the following:

‘The specific objective of the Facility is to enhance the efficiency and complementarity of support provided to refugees and persons eligible for subsidiary protection, and their host communities, national and local authorities in managing and addressing the consequences of the inflow of refugees and persons eligible for subsidiary protection.’

3. In Article 4, paragraphs 1 and 2 are replaced by the following:

‘1. The Facility shall coordinate an amount of EUR 3 000 000 000 for 2016- 2017, and an additional amount of EUR 3 000 000 000 for 2018-2019.

EU budget contribution

2. EUR 1 000 000 000 out of the respective overall amounts of EUR 3 000 000 000 for 2016- 2017, as well as for 2018-2019, shall be financed from the EU budget, subject to subsequent individual financing decisions in accordance with Article 84(2) of Regulation (EU, Euratom) No 966/2012 and in accordance with its financial rules and the requirements of the respective basic act.

4. In Article 4, the following paragraph 4 is added:

‘4. Member States shall provide an amount of EUR 2 000 000 000 for 2018-2019 on the basis of the breakdown of contributions based on the Gross National Income (GNI) key [based on the 2018 budget of the European Union].’

5. In Article 5 paragraph 1, point (iv) is replaced by the following:

⁵ Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid (OJ L163, 2.7.1996, p. 1).

⁶ 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 ' The European Consensus on Humanitarian Aid' (OJ C25, 30.1.2008, p. 1).

'(iv) monitor contributions from Member States, according to the contribution schedule provided for in the contribution certificate of each Member State.';

6. In Article 8, paragraph 3, is replaced by the following:

'The Commission, in full coordination with Member States, shall carry out an evaluation of the first tranche of the Facility by 31 December 2021, and of the second tranche by 31 December 2023.'

7. In Article 9 paragraph 1 is replaced by the following:

'1. This Facility is established from 1 January 2016 for financial contributions under the budgetary years 2016-2017 and for financial contributions under the budgetary years 2018-2019. It will be managed on the basis of Member States' contributions and their timing, communicated to and acknowledged by the Commission.'

Article 2

1. This Decision enters into force on the day of its adoption.

2. It will be published in the Official Journal.

Done at Brussels, 14.3.2018

For the Commission
Johannes HAHN
Member of the Commission