



Brussels, 17.12.2021
C(2021) 9622 final

COMMISSION IMPLEMENTING DECISION

of 17.12.2021

**amending Commission Implementing Decision C(2021) 6023 on the financing of the
Emergency Assistance component within the Thematic Facility of the Asylum,
Migration and Integration Fund and the adoption of the work programme for 2021**

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amending Commission Implementing Decision C(2021) 6023 on the financing of the Emergency Assistance component within the Thematic Facility of the Asylum, Migration and Integration Fund and the adoption of the work programme for 2021

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 966/2012, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/1147 of the European Parliament and of the Council establishing the Asylum, Migration and Integration Fund, and in particular Articles 31 and 38 thereof,

Whereas:

- (1) The 2021 work programme for the Emergency Assistance component of the Thematic Facility of the Asylum, Migration and Integration Fund was adopted by Commission Implementing Decision C(2021) 6023 of 17 August 2021.
- (2) In order to ensure implementation of emergency assistance, it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2021. Article 110 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council¹ ('the Financial Regulation') establishes detailed rules on financing decisions.
- (3) The European Parliament and the Council have agreed to mobilise the Solidarity and Emergency Aid Reserve, in line with Article 9(1)(b) of the MFF Regulation², to increase the Emergency Assistance envelope for 2021 by EUR 21 763 125. In consequence, Commission Implementing Decision C(2021) 6023 and the work programme annexed thereto should be amended to reflect the increased amount.
- (4) In accordance with Article 31(5) of Regulation (EU) 2021/1147 establishing the Asylum, Migration and Integration Fund for the period 2021-2027 and Article 193(2), point (a), second subparagraph of the Financial Regulation, where necessary for the implementation of an action, emergency assistance may cover expenditure which was incurred prior to the date of submission of the grant application or the request for

¹ 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 966/2012 (OJ L 193, 30.7.2018, p. 1).

² Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027.

assistance for that action, provided that that expenditure was not incurred prior to 1 January 2021.

- (5) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (6) Pursuant to Article 62(1)(c) of the Financial Regulation, indirect management is to be used for the implementation of the work programme.
- (7) The Commission is to ensure a level of protection of the financial interests of the Union with regard 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 Regulation³ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (8) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of the Financial Regulation.
- (9) In order to allow for flexibility in the implementation of the work programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (10) Neither Denmark nor Ireland is bound by Regulation (EU) 2021/1147, nor are they subject to its application. In consequence, neither Denmark nor Ireland is taking part in the adoption of this decision and they are not bound by it or subject to its application.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee for the Home Affairs Funds established by Article 38 of Regulation (EU) 2021/1147.
- (12) The envisaged assistance, under measures provided for in this Decision, is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU⁴,

HAS DECIDED AS FOLLOWS:

Sole Article

Commission Implementing Decision C(2021) 6023 is amended as follows:

- (1) Article 2 is replaced by the following:

“Article 2

Union contribution

The maximum Union contribution for the implementation of the annual work programme for the year 2021 is set at EUR 101 763 125 and shall be financed from the appropriations entered in the following budget line of the general budget of the Union:

budget line 10 02 01 Asylum, Migration and Integration Fund.

³ Except for the cases of Article 154(6) of the Financial Regulation, where the Commission may decide not to require an *ex ante* assessment

⁴ Treaty on the functioning of the European Union (OJ C 202, 7.6.2016 p. 111)

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

(2) the Annex is replaced by the Annex to this Decision.

Done at Brussels, 17.12.2021

For the Commission
Ylva JOHANSSON
Member of the Commission



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ANNEX

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to the

Commission Implementing Decision

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ANNEX

1. Introduction

On the basis of the objectives set out in the Asylum, Migration and Integration Fund, and in particular those of strengthening and developing all aspects of the Common European Asylum System, and of enhancing solidarity and fair sharing of responsibility between the Member States, in particular as regards those most affected by migration and asylum challenges, including through practical cooperation, this work programme contains the actions to be financed and the budget breakdown for the year 2021 as follows:

- (a) for grants implemented under direct management (point 2),
- (b) for actions implemented under indirect management (point 3).

All Member States, with the exception of Denmark and Ireland, participate in the Asylum, Migration and Integration Fund: hence, entities established in the participating Member States can take part as beneficiaries in the actions that are supported under that fund. Entities established in Denmark and Ireland can only participate on a no-cost basis.

Emergency assistance may consist of assistance in Member States and, where appropriate in third countries.

In accordance with Article 191 of Regulation (EU) 2018/1046 ('the Financial Regulation'), in no circumstances shall the same costs be financed twice by the EU budget.

As provided for in Article 21(1) of Regulation (EU) 2021/1147¹, the implementation of emergency assistance in third countries is carried out in synergy and in coherence with other actions outside the Union supported through other Union instruments.

All activities implemented under this work programme will respect and will be implemented in full compliance with the rights and principles enshrined in the Union acquis, and the Charter of Fundamental Rights of the European Union, and should be in line with the international obligations of the Union and the Member States arising from the international instruments to which they are party, in particular by ensuring compliance with the principles of gender equality, non-discrimination and the best interests of the child.

¹ Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, pp. 1–47).

(a) Legal basis

Article 31 of Regulation (EU) 2021/1147

Budget line(s)

10 02 01: Asylum, Migration and Integration Fund

Objectives pursued

To provide financial assistance to address urgent and specific needs in the event of duly justified emergency situations, as defined in Article 31 of Regulation (EU) 2021/1147.

Expected results

Projects selected for emergency assistance, in direct management or in indirect management. Under emergency assistance, actions defined in Annex II of Regulation (EU) 2021/1147 will be supported to address urgent and specific needs in the event of an emergency situation.

Reference	Date	Global budgetary envelope reserved
HOME/2021/AMIF/AG/EMAS	At the initiative of the entities concerned	EUR 101 763 125

2. Grants

Type of applicants targeted by the direct award

The following entities can submit applications for emergency assistance: Member States, International Organisations or Union agencies. Other entities can be involved in the implementation of the action as co-applicants.

N.B. For entities referred to in Article 24.1(b) of Regulation (EU) 2021/1147, namely international organisations and organisations assimilated with international organisations in accordance with Article 156 of the Financial Regulation, the budget will be implemented in indirect management (see point 3).

Description of the activities to be funded by the grant(s) awarded without a call for proposals on the basis of Article 195 of the Financial Regulation.

Emergency assistance aims to enhance solidarity by ensuring consistency and complementarity with EU humanitarian assistance, by providing additional support to address duly justified emergency situations resulting from one or more of the following:

- a) exceptional emergency situations characterised by a large or disproportionate influx of third-country nationals *into one or more Member States* which places significant and urgent demands on those Member States' reception and detention facilities, *and on their* asylum and migration management systems and procedures;
- b) *an event of a mass influx of displaced persons* within the meaning of Council

Directive 2001/55/EC²;

- c) an *exceptional* migratory *situation* in a third country, including where persons in need of protection could be stranded due to political developments or conflicts, notably where it might have an impact on migration flows towards the Union.

The emergency assistance will be provided for as long as the emergency situation lasts.

Emergency assistance may support ad hoc humanitarian admission programmes aimed at allowing temporary stay on the territory of a Member State in the event of an urgent humanitarian crisis in third countries, and also provide support in specific situations covered by Article 33 of the Regulation (EU) No 604/2013³.

The emergency assistance will be provided in the form of action grants awarded directly without a call for proposals, following a proposal for action, including a request for funding, submitted to the Commission by one of the eligible entities.

Selection criteria

In accordance with Article 198 of the Financial Regulation, proposals for action shall be evaluated on the basis of the following selection criteria:

- Financial capacity - Applicants and co-applicants must have stable and sufficient sources of funding to maintain their activity throughout the period for which the grant is awarded and to participate in its funding.
- Operational capacity - Applicants and co-applicants must have the professional competencies and qualifications required to complete the proposed action.

In accordance with Article 198(5) of the Financial Regulation, the verification of the financial and operational capacity shall not apply to public bodies and international organisations.

Award criteria

In accordance with Article 199 of the Financial Regulation, proposals for an action will be evaluated on the basis of a duly justified emergency situation and relevance of the proposal with regards to the objectives and the expected impact of the proposed activities on addressing the emergency situation in the countries concerned.

Maximum possible rate of co-financing of the eligible costs

Up to 100% of the total eligible costs.

Other information

Emergency assistance may support expenditure incurred prior to the date of submission of the request for assistance, if this is necessary for the successful implementation of the action and it is demonstrated that the emergency situation prevailed earlier than the submission of the request.

Implementation

² Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

³ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

The actions will be implemented directly by DG HOME.

3. Actions implemented in indirect management

Implementing entity

International organisations and non-profit organisations assimilated with international organisations in accordance with Article 156 of the Financial Regulation, which submit an application for which the action is awarded. This concerns in particular international organisations which have been subject to an ex ante assessment pursuant to Article 154 of the Financial Regulation, including those that are signatories of a framework partnership agreement in force concluded with the Commission pursuant to Council Regulation (EU) 2016/369⁴, or those that are covered by the Financial and Administrative Framework Agreement concluded with the United Nations.

Such organisations will have to demonstrate specific technical competence and experience appropriate for the action.

Description

Emergency assistance aims to enhance solidarity by ensuring consistency and complementarity with EU humanitarian assistance, by providing urgent support to address duly justified emergency situations resulting from one or more of the following:

- a) exceptional emergency situations characterised by a large or disproportionate influx of third-country nationals *into one or more Member States* which places significant and urgent demands on those Member States' reception and detention facilities, *and on their* asylum and migration management systems and procedures;
- b) *an event of a mass influx of displaced persons* within the meaning of Council Directive 2001/55/EC⁵;
- c) an *exceptional migratory situation* in a third country, including where persons in need of protection could be stranded due to political developments or conflicts, notably where it might have an impact on migration flows towards the Union.

The emergency assistance will be provided for as long as the emergency situation lasts.

Emergency assistance may support ad hoc humanitarian admission programmes aimed at allowing temporary stay on the territory of a Member State in the event of an urgent humanitarian crisis in third countries, and may also provide support in specific situations covered by Article 33 of the Regulation (EU) No 604/2013⁶.

The emergency assistance will be provided in the form of action grants or contribution

⁴ Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union (OJ L 70, 16.3.2016, p. 1).

⁵ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

⁶ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

agreements awarded directly without a call for proposals, following a proposal for action, including a request for funding, submitted to the Commission by one of the eligible entities. If the Commission were not in a position to award a contribution agreement, a grant would be awarded under the same conditions as described in point 2.

Selection and award criteria, and the maximum possible rate of co-financing of the eligible costs, are as for grants.

Other information

Emergency assistance may support expenditure incurred prior to the date of submission of the request for assistance, if this is necessary for the successful implementation of the action and it is demonstrated that the emergency situation prevailed earlier than the submission of the request.