



Strasbourg, 24.11.2015
C(2015) 9500 final

COMMISSION DECISION

of 24.11.2015

**on the coordination of the actions of the Union and of the Member States through a
coordination mechanism – the Refugee Facility for Turkey -**

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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) The international community faces an unprecedented refugee crisis which requires solidarity, togetherness and efficiency. Challenges are common and responses need to be coordinated.
- (2) Due to its geographical position Turkey is a major first reception and transit country for migrants that will by the end of 2015 be hosting more than 2 million of asylum seekers and refugees, the highest number in the world. Turkey is making commendable efforts to provide massive humanitarian aid and support to an unprecedented and continuously increasing influx of people seeking refuge and has already spent more than EUR 7 billion of its own resources on addressing this crisis.
- (3) Turkey and the EU are determined to confront and surmount the existing challenges in a concerted manner. To this end, a policy document reflecting the understanding between the European Union and the Republic of Turkey to step up their cooperation on support of Syrians under temporary protection and migration management in a coordinated effort to address the crisis (hereinafter: "the EU-Turkey Joint Action Plan"), agreed ad referendum by Turkey on 15 October 2015, aims to address the refugee crisis and migration management. The European Council Conclusions the same day welcomed "*the joint Action Plan with Turkey as a part of a comprehensive cooperation based on shared responsibility, mutual commitments and delivery*" and stated that "*the EU and its Member States stand ready to increase cooperation with Turkey and step up their political and financial engagement substantially within the established framework*";
- (4) As foreseen in the EU-Turkey Joint Action Plan, the EU needs to mobilise substantial new financial resources, in a sustained and responsive manner to assist Turkey in addressing the emerging needs and coping with the challenge represented by the presence of Syrians under temporary protection. The funds should be mobilised in the most flexible and rapid way possible. The identification of the priorities and the areas where they should be allocated should be decided in consultation with the Turkish authorities, except for actions providing immediate humanitarian assistance. Priority will be given to immediate humanitarian, development and other assistance to refugees and host communities, national and local authorities in managing and addressing the consequences of the inflows of refugees should be provided.
- (5) The European Union and Member States budgets have so far mobilised a total of EUR 3.6 billion since the start of the Syrian conflict (around EUR 1.6 billion from the

Union budget and EUR 2.0 billion from Member States), making them the main world donor in addressing the consequences of this crisis. This assistance has allowed for urgent delivery of humanitarian assistance and supported the national and local capacities to deliver services for those affected by the crisis (education, health, basic services such as water and waste management services, support to livelihoods). However, the various European Union instruments and Member States' programmes work in parallel through various bilateral channels (United Nations (UN) agencies, Non-Governmental Organisations, national agencies, host country governments).

- (6) Title III of Part Five of the Treaty on the Functioning of the European Union (TFEU) concerns inter alia development cooperation with third countries and humanitarian aid. The exercise of the Union's competence in these areas does not result in Member States being prevented from exercising their competence, in accordance with Article 4 (4) TFEU.
- (7) Turkey is included in the OECD Development Assistance Committee's list of Official Development Assistance recipient countries as 'upper middle income country'.
- (8) Pursuant to Article 210 (1) TFEU the Union and the Member States shall coordinate their respective policies and shall consult each other. An increased coordination is therefore needed. In accordance with Articles 210 (2) and 214(6) TFEU, the Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national aid measures.
- (9) The overall objective of the Turkey Facility is to coordinate and streamline actions financed from the Union's budget and bilateral contributions from Member States in order to enhance the efficiency and complementarity of support provided to refugees and host communities in Turkey.
- (10) EU and Member States assistance shall enable a comprehensive response commensurate to the challenges. This response should contribute to mitigating the consequences of the refugee influx both for the refugees and for Turkey as a host country. It should bring together funds and actions from the EU and its Member States to address the needs in a coordinated and comprehensive manner,
- (11) EU instruments currently used in response to the Syrian crisis, such as the European Neighbourhood Instrument (ENI)¹, the Development Cooperation Instrument (DCI)², the Instrument for Pre-Accession Assistance (IPA II)³, the Instrument contributing to Stability and Peace (IcSP)⁴ and funding under Council Regulation (EC) No 1257/96 concerning humanitarian aid⁵ may contribute to the Turkey Facility within the limits laid down in the multi-annual financial framework 2014-2020. Any humanitarian

¹ Regulation (EU) No 232/2014 of the European Parliament and of the Council establishing a European Neighbourhood Instrument, OJ L 77, 15.3.2014, p. 27.

² Regulation (EU) No 233/2014 of the European Parliament and of the Council establishing a financing instrument for development cooperation, OJ L 77, 15.3.2014, p. 44.

³ Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession Assistance, OJ L 77, 15.3.2014, p. 11.

⁴ Regulation (EU) No 230/2014 of the European Parliament and of the Council establishing an instrument contributing to stability and peace, OJ L 77, 15.3.2014, p. 1.

⁵ OJ L163, 2.7.1996, p. 1.

assistance under the Turkey Facility shall be administered and provided in full respect for humanitarian principles and the European Consensus on Humanitarian Aid⁶.

- (12) Actions and measures to be financed by the Union's budget will be implemented in accordance with its financial rules and regulations – which includes both direct and indirect management and Union trust funds as one of the implementing tools foreseen in line with Article 4 of Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action⁷.
- (13) The Commission acknowledges the expressed intentions of the Member States to contribute EUR 2.500.000.000 out of a total amount of EUR 3.000.000.000. The Commission invites Member States to commit formally their financial share in line with the breakdown described in the Annex which uses the GNI-key.
- (14) The Commission notes that there is currently a "windfall" of "other revenue" and customs duties of EUR 2.300.000.000 in the 2015 EU budget; this revenue comes from a higher level of collected competition fines, revenues from investments and loans granted, penalties, late payment interests and higher than expected customs duties. This amount of EUR 2.300.000.000 is part of draft amending budget 8/2015 recently adopted by the European Parliament and Council. These windfall revenues from the 2015 budget will be deducted from the contributions of the Member States to the EU Budget.
- (15) Financial contributions from Member States should be included into 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 Council on the financial rules applicable to the general budget of the Union and repealing Council regulation (EC, Euratom) No 1605/2002⁸,

HAS DECIDED AS FOLLOWS:

Article 1 – Establishment of the Refugee Facility for Turkey

This Decision establishes a coordination mechanism - the Refugee Facility for Turkey ("the Facility") - to assist Turkey in addressing the immediate humanitarian and development needs of the refugees and their host communities, national and local authorities in managing and addressing the consequences of the inflow of refugees.

Article 2 – Objectives of the Facility

1. The Facility aims at coordinating and streamlining actions financed from the Union's budget and bilateral contributions from Member States.
2. Its specific objective is to enhance the efficiency and complementarity of support provided to refugees and host communities in Turkey.

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

⁷ OJ L 77, 15.3.2014, p. 95.

⁸ OJ L 298, 26.10.2012, p. 1.

3. The Commission shall ensure that all actions undertaken under the Union's external financing instruments as well as individual measures by Member States are complementary to those coordinated under the Facility.

Article 3 - Scope and form of support

1. The Commission shall co-ordinate the Union and Member States' actions by setting priorities and by coordinating the allocation of resources.

It will do so in accordance with the mechanism set out in Article 5 of the present Decision.

- 2.. Through the Facility the provision of humanitarian, development and other assistance to refugees and host communities, national and local authorities in managing and addressing the consequences of the inflows of refugees will be coordinated.
3. The assistance may take the form of grants, except if the nature of the project to be financed requires another form of support, in line with Article 4 of Regulation (EU) No 236/2014.
4. The Commission shall ensure that equality between men and women and the integration of the gender perspective are taken into account and promoted during the various stages of the implementation of the Facility.

The Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in obtaining access to the projects supported by the Facility.

Article 4 – Coordination of resources under the Facility

1. The Facility shall coordinate an amount of EUR 3.000.000.000.

EU budget

2. EUR 500.000.000 out of the overall amount 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.

Member States contributions

3. On the basis of their pledged financial contributions, Member States shall provide an amount of EUR 2.500.000.000, in accordance with the breakdown set out in the Annex to the present Decision.

Article 5 – Steering committee

1. The steering committee of the Facility shall provide strategic guidance on the coordination of the assistance to be delivered.

It shall also permanently monitor the implementation of the Facility.

The steering committee shall be composed of two representatives of the Commission and one representative of each Member State.

Turkey shall be member of the steering committee in an advisory capacity, so as to ensure full coordination of the actions on the ground, except for actions providing immediate humanitarian assistance.

The Commission shall chair the steering committee.

It shall be ensured that Member States and the Commission representatives in the Committee are not in a situation of conflict of interests, as defined by Regulation (EU, Euratom) No 966/2012.

2. The Commission shall retain the responsibility for the final decision on the setting of priorities, on the identification of actions and on the allocation of funds, while seeking to reach a consensus whenever possible.
3. Upon proposal by the Commission, the steering committee shall draw up and adopt its rules of procedure within two months of the date of adoption of this Decision.
4. The secretariat of the facility shall be provided by the Commission.

Article 6 – Implementation modalities

1. The Commission shall select and coordinate the implementation of the relevant actions, in particular through ex-ante screening of proposed actions.
2. Priority will be given to actions providing immediate humanitarian, development and other assistance to refugees and host communities, national and local authorities in managing and addressing the consequences of the inflows of refugees.

The Turkish authorities shall be consulted in respect to all actions other than those providing immediate humanitarian assistance.

The Commission shall have regular meetings with the Member States competent authorities and the appropriate authorities in Turkey.

EU budget

3. Actions and measures to be financed by the Union's budget will be implemented in accordance with its financial rules and the requirements of the respective basic act.

Member States contributions

4. Member States' contributions aimed at financing actions and measures selected and coordinated in accordance with the present Decision shall be included into the Union's budget as external assigned revenue in accordance with Article 21 (2) (b) of Regulation (EU, Euratom) No 966/2012. These financial contributions shall either be implemented directly by the Commission pursuant to point (a) of Article 58 (1) of Regulation (EU, Euratom) No 966/2012 or indirectly by entrusting budget implementation tasks to entities pursuant to Article 58 (1) c) of Regulation (EU, Euratom) No 966/2012, including bodies governed by the private law of a Member State.
5. Actions providing immediate humanitarian assistance which are coordinated under the Facility will be selected and implemented in accordance with the principles laid down in the European Consensus on Humanitarian Aid.

Article 7– Visibility

The Commission shall provide information on and promote the actions supported by the Facility so as to ensure its visibility.

Article 8 – Information, monitoring and evaluation

1. The Commission shall keep the European Parliament and the Council regularly informed about the implementation of the Facility.
2. The Commission shall report annually to the European Parliament and to the Council on the implementation of the Facility.
3. The Commission shall carry out an evaluation of the Facility in full coordination with the Member States by 31 December 2019.

Article 9 – Final provisions

1. This Facility is established as from 1st January 2016 for financial contributions under the budgetary years 2016 and 2017. By 21 December 2015, Member States shall communicate the timing of their contributions, including their envisaged payment schedule for 2016-2017 to the Commission.
2. The Commission shall review the financial capacity, duration and nature of the funding by 31 December 2016.

Done at Strasbourg, 24.11.2015

For the Commission