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**COMMISSION IMPLEMENTING DECISION**

**of 12.12.2022**

**on the financing of the individual measure to support border management in Türkiye  
for 2022 and 2023**

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## on the financing of the individual measure to support border management in Türkiye for 2022 and 2023

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<sup>1</sup>, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession Assistance (IPA III)<sup>2</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the individual measure to support border management in Türkiye for 2022 and 2023, it is necessary to adopt a multiannual financing Decision, which constitutes the multiannual work programme, for 2022 and 2023. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (2) The envisaged assistance should comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU<sup>3</sup>.
- (3) The measure is part of the mobilisation of EUR 3 billion for the period 2021-2023 to support refugees and host communities in Türkiye, as follow-up to the European Council conclusions of June 2021. It builds upon the work carried out under the Facility for Refugees in Turkey, which is a key component of the EU-Turkey Statement of March 2016. The measure aims to enhance the capacity of Türkiye's border management system and should reduce the loss of human lives at the borders

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<sup>1</sup> OJ L 193, 30.7.2018, p.1.

<sup>2</sup> OJ L 330, 20.9.2021, p.1.

<sup>3</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu) Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

with Iran and Iraq, in winter in particular, and reduce irregular migration, perilous journeys and cross-border crime.

- (4) Pursuant to Article 23(3) of Regulation (EU) 2021/947 applicable pursuant to Article 9(1) of Regulation (EU) 2021/1529, the adoption of this individual measure is justified because it constitutes a distinct critical intervention earmarked for border management, in view of the continued need to manage refugee flows and to alleviate pressure on European borders, while preventing loss of life.
- (5) The objective of the action entitled *Support to Türkiye's Efforts to Strengthen Border Management at the Eastern and South Eastern Border* is to further enhance Türkiye's security and to continue the alignment with recommendations made in Chapter 24 (Justice, freedom and security) on both migration and border management. The action aims to reduce the loss of human lives, during the winter period in particular, and reduce irregular migration, perilous journeys and cross-border crime. It should also help Türkiye switch from staff-intensive and landmine-based controls to a modern system of border management, based on high-technology equipment.
- (6) Pursuant to Article 9(1) of Regulation (EU) 2021/1529, indirect management may be used for the implementation of the measure.
- (7) 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.
- (8) 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)<sup>4</sup> of the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (9) 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.
- (10) In order to allow for flexibility in the implementation of the measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (11) The measure provided for in this Decision is in accordance with the opinion of the IPA III Committee set up by Article 17 of Regulation (EU) 2021/1529.

HAS DECIDED AS FOLLOWS:

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

*Article 1*  
*The measure*

The multiannual financing decision, constituting the multiannual work programme for the implementation of the individual measure to support border management in Türkiye for 2022 and 2023, as set out in the Annex, is adopted.

The measure shall include the *Action Support to Türkiye's Efforts to Strengthen Border Management at the Eastern and South Eastern Border* as set out in Annex.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the measure referred to in Article 1 is set at EUR 220 000 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

- budget line 15.020101.03: EUR 50 000 000 for 2022;
- budget line 15.020101.03: EUR 170 000 000 for 2023

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

The implementation of this Decision is subject to the availability of the appropriations provided for in the general budget of the Union for 2023 as adopted by the budgetary authority or as provided for in the system of provisional twelfths.

*Article 3*  
*Methods of implementation and entrusted entities or persons*

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 4.3.1 of the Annex.

*Article 4*  
*Flexibility clause*

Increases or decreases of up to EUR 10 million and not exceeding 20% of the contribution set in Article 2, first paragraph, considering each financial year separately, as well as extensions of the implementation and execution period shall not be considered substantial for the purposes of Article 110(5) of the Financial Regulation, provided that these changes do not significantly affect the nature and objectives of the actions.

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.

Done at Brussels, 12.12.2022

*For the Commission*  
*Olivér VÁRHELYI*  
*Member of the Commission*