

COUNCIL DECISION (EU) 2022/1223**of 12 July 2022****concerning the allocation of funds de-committed from projects under the 10th and 11th European Development Funds for the purpose of financing actions addressing the food security crisis and economic shock in African, Caribbean and Pacific (ACP) countries following Russia's war of aggression against Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multiannual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies ⁽¹⁾ (10th EDF Internal Agreement), and in particular Article 1(5) thereof,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies ⁽²⁾ (11th EDF Internal Agreement), and in particular Article 1(4) and (5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Following Russia's war of aggression against Ukraine, the food security situation in the world is rapidly deteriorating, and many of the countries affected are least developed countries or low-income, food-deficit countries.
- (2) EUR 3 billion are already programmed under the geographic pillar of the Neighbourhood, Development and International Cooperation Instrument – Global Europe established by Regulation (EU) 2021/947 of the European Parliament and of the Council ⁽³⁾. Out of that amount, EUR 2,3 billion has been programmed in African, Caribbean and Pacific (ACP) countries to finance agriculture, nutrition, water and sanitation actions between 2021 and 2024. Given the extent of the needs and expected consequences, additional means should be mobilised to support the most affected partner countries.
- (3) The Union is close to full implementation of the initial Humanitarian Aid budget towards food security and related needs in ACP countries identified before the start of Russia's war of aggression in Ukraine. Given the exceptionally dire food security situation in ACP countries, those funds need to be complemented with appropriate resources to respond to the further exacerbation of humanitarian needs and to ensure continuity of cooperation from crisis to stable conditions for development.
- (4) The European Council, in its Conclusions of 24-25 March 2022, invited the Commission to prioritise work on global food security and affordability, in particular by supporting food security and agriculture in Ukraine and in the most vulnerable and exposed third countries.

⁽¹⁾ OJ L 247, 9.9.2006, p. 32.

⁽²⁾ OJ L 210, 6.8.2013, p. 1.

⁽³⁾ Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1).

- (5) The European Council, in its Conclusions of 30-31 May 2022, invited the Commission to explore the possibility of mobilising reserves from the European Development Fund (EDF) to support the most affected partner countries.
- (6) The Council, in its Conclusions of 20 June 2022, supported the Team Europe response to global food insecurity and called on the Commission, the European External Action Service (EEAS) and the Member States to prioritise their financial support to address global food security including immediate humanitarian needs, comprising financial and technical assistance for food-importing countries where necessary, as well as medium to long-term sustainable food systems and enhanced local production for better resilience, exploring all available funding sources, including mobilising reserves from the EDF.
- (7) In addition, the Council stressed the importance of the Union demonstrating strong solidarity through a swift and comprehensive response based on effective multilateralism, building on the Communication from the Commission of 23 March 2022 on 'Safeguarding food security and reinforcing the resilience of food systems' and building on the three pillars – trade, solidarity and production – of the Food and Agriculture Resilience Mission (FARM), as welcomed by the European Council and in full alignment with the United Nations Global Crisis Response Group (GCRG) and other relevant international initiatives, notably the G7-initiated Global Alliance for Food Security.
- (8) Given the significant impact in various ACP countries, the exceptional mobilisation of de-committed funds from projects under the 10th and 11th EDFs should enable the Union and its Member States to step up their response to the crisis, paying particular attention to the most vulnerable and exposed ACP countries.
- (9) Those funds should finance actions with a view to providing support to food production and the resilience of food systems, humanitarian assistance, and macroeconomic support to ensure macroeconomic stability, help regain fiscal space and increase international reserves, in particular through multilateral bodies. The funds should include support expenditure referred to in Article 6 of the 11th EDF Internal Agreement.
- (10) Pursuant to Article 153 of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽⁴⁾, the United Kingdom's share of those funds will not be reused.
- (11) Given that Article 14(3) of the 11th EDF Internal Agreement provides that this Agreement is to remain in force for as long as is necessary for all the operations financed under the ACP-EU Partnership Agreement to be fully executed, this is interpreted in a sense that it includes the current exceptional mobilisation of de-committed funds from the 10th and 11th EDFs for the purpose of financing actions addressing the food security crisis and economic shock in ACP countries following Russia's war of aggression against Ukraine.
- (12) The funds should be used in accordance with the rules and procedures applicable to the 11th EDF, as set out in Council Regulations (EU) 2015/322 ⁽⁵⁾ and (EU) 2018/1877 ⁽⁶⁾.
- (13) Reused 10th EDF funds, not previously committed in accordance with Article 1(3) of the 11th EDF Internal Agreement or de-committed in accordance with Article 1(4) of that Agreement, are to remain a resource of the 10th EDF under point (a) of Article 1(2) of the 10th EDF Internal Agreement.
- (14) Reused 11th EDF funds, not previously committed or de-committed in accordance with Article 24(5) of Regulation (EU) 2018/1877, are to remain a resource of the 11th EDF under point (a) of Article 1(2) of the 11th EDF Internal Agreement,

⁽⁴⁾ OJ L 29, 31.1.2020, p. 7.

⁽⁵⁾ Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund (OJ L 58, 3.3.2015, p. 1).

⁽⁶⁾ Council Regulation (EU) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund, and repealing Regulation (EU) 2015/323 (OJ L 307, 3.12.2018, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

1. An amount up to a maximum of EUR 600 000 000 from the funds de-committed from projects under the 10th and 11th EDFs shall be allocated on an exceptional basis for the purpose of financing actions addressing the food security crisis and economic shock in ACP countries following Russia's war of aggression against Ukraine.
2. The funds referred to in paragraph 1 should finance actions with a view to providing support as follows:
 - up to EUR 350 000 000 for food production and the resilience of food systems,
 - up to EUR 150 000 000 for humanitarian assistance, and
 - up to EUR 100 000 000 for macroeconomic support.
3. From the amount referred to in paragraph 1, up to EUR 488 000 000 shall be allocated from the 10th EDF and up to EUR 112 000 000 shall be allocated from the 11th EDF. Out of those funds, up to a maximum of EUR 18 000 000 shall be allocated for support expenditure incurred by the Commission.
4. The funds referred to in paragraph 1 shall be used for financial commitments in accordance with the rules and procedures applicable to the 11th EDF, as set out in Regulations (EU) 2015/322 and (EU) 2018/1877.

Article 2

This Decision shall enter into force on the day following its adoption.

Done at Brussels, 12 July 2022.

For the Council
The President
Z. STANJURA
