

## ANNEX

**ANNUAL ACTION PROGRAMME FOR BOSNIA AND HERZEGOVINA FOR THE YEAR 2017****1 IDENTIFICATION**

<b>Beneficiary</b>	Bosnia and Herzegovina
<b>CRIS/ABAC Commitment references</b>	2017/040-524: EUR 40 300 000 on 22.02 01 01 2017/040-541: EUR 20 000 000 on 22.02 01 02
<b>Total cost</b>	EUR 60 300 000
<b>EU Contribution</b>	EUR 60 300 000
<b>Management Mode/</b>	Direct management by the European Commission and Indirect Management by the entrusted entities IOM, UNFPA, UNHCR, and UNICEF for Result 4 under Action 3
<b>Final date for concluding <u>Financing Agreements</u> with the IPA II beneficiary</b>	At the latest by 31 December 2018
<b>Final date for contracting, including the conclusion of contribution/delegation agreements</b>	3 years following the date of conclusion of the Financing Agreement, with the exception of the cases listed under Article 114 (2) Financial Regulation
<b>Final date for operational implementation</b>	6 years following the date of conclusion of the Financing Agreement.
<b>Final date for implementing the Financing Agreement</b> (date by which this programme should be de-committed and closed)	12 years following the conclusion of the Financing Agreement.
<b>Programming Unit</b>	DG NEAR D4
<b>Implementing Unit/ EU Delegation</b>	EU Delegation to Bosnia and Herzegovina

**2 DESCRIPTION OF THE ACTION PROGRAMME****2.1 SECTORS SELECTED UNDER THIS ACTION PROGRAMME**

- Rationale for the selection of the specific sectors under this programme:

In line with the Indicative Strategy Paper (ISP) for Bosnia and Herzegovina (2014-2017), revised in 2017, support under the Instrument for Pre-accession Assistance (IPA II) is provided to those sectors where agreed countrywide strategies and sufficient sector

coordination exist. The actions proposed under the 2017 Annual Action Programme cover three out of five eligible sectors: i.e. Democracy and Governance, Rule of Law and Fundamental Rights, as well as Transport.

The actions proposed under this programme in the sector of Democracy and Governance will contribute to the achievement of the ISP objective of strengthening the public sector management. This will be achieved through further development of an efficient, professional and transparent civil service, strengthened statistical system and indirect taxation system, improved delivery of e-services, and the alignment of the medium-term policy planning and programme budgeting. This will empower the public sector to significantly contribute to the BiH European integration process and to deliver better services to its citizens.

The proposed actions in the Rule of Law and Fundamental Rights sector will further improve the institutional and human capacities of Bosnia and Herzegovina judiciary and law enforcement agencies to guarantee improved effectiveness, integrity and professionalism of institutions ensuring the rule of law, including access to justice, and prevention of and fight against corruption. These actions will also support capacity development of competent institutions combating illegal acts in Bosnia and Herzegovina, in line with the EU and international standards in the areas of integrated border management, fight against organised crime and reduced irregular migration. A separate action will contribute to improvement of the protection of vulnerable and marginalized groups against all forms of discrimination and ensure protection of fundamental rights as well as increase the effectiveness of the implementation of the anti-discrimination and gender equality laws.

The actions will also support the migration management and asylum system in BiH in order to improve the institutional and human capacities of the institutions in charge and to provide the necessary accommodation and services deliveries for migrants and asylum seekers present in the territory of BiH.

This is the first Annual Action Programme for Bosnia and Herzegovina under IPA II that includes also an action in the Transport sector, following the BiH ISP revision in 2017 to include this sector. The proposed action will contribute to ensuring closer integration between Bosnia and Herzegovina and the EU by supporting the preparation of future priority transport projects as well as enhancing the country's capacity to manage transport policies, to plan and implement the selected investments. The action will directly contribute to the implementation of the objectives of the Framework Transport Strategy of Bosnia and Herzegovina 2016–2030.

- Overview of past and on-going EU, other donors' and/or IPA II beneficiary's actions in the relevant sectors:

The EU has supported reforms in the area of human resources management in the civil service since 2004. Most recently the IPA 2011 project 'Modernisation of human resources management system in civil service' assisted the civil service authorities at all levels in developing guidelines for job classification, job descriptions and recruitment procedures. An upcoming IPA 2016 project 'Support to Public Sector Management Reform' will be implemented by the World Bank in support to the implementation of the Reform Agenda 2015-2018 of Bosnia and Herzegovina. The regionally funded OECD/SIGMA (Organisation for Economic Co-operation and Development/Support for Improvement in Governance and Management) programme provides continuous assistance through assessing and benchmarking progress in the public administration reform area and by offering technical advice in drafting of the relevant legislation and policies. The EU also provided extensive support for the statistics in Bosnia and Herzegovina through twinning which showed the importance of transfer of knowledge and cooperation within the Bosnia

and Herzegovina statistical system (among the three institutes), and of coordination between the national and multi-country IPA projects. There has also been successful cooperation with the beneficiary institutions in the field of e-services, customs and indirect taxation, as confirmed by the results-oriented monitoring (ROM) reports. Previous IPA and other donor technical assistance supported all ministries of finance in Bosnia and Herzegovina in introducing mid-term budget planning, and showed that linking strategic planning, programme budgeting, performance monitoring and capital budgeting is a long-term process which should be further supported.

Substantial IPA support to the judicial reform in Bosnia and Herzegovina has highlighted the need for ensuring ownership by the beneficiary institutions, including in cooperating with law enforcement agencies. The actions proposed in this programme will build upon the results of previous IPA and other donors' projects in strengthening courts and prosecutors' offices, the computerization of the judiciary, improving technical capacities of the Court Police Agencies, and reconstruction of physical infrastructures. In the home affairs sector, previous IPA assistance has revealed the complexity and the wide scope of the sector underlying the institutional setup with a substantial number and variety of stakeholders in charge of implementation of sub-sector policies. This has led to the conclusion that the success of any intervention is directly proportionate to the extent to which the involved institutions cooperate, share and exchange information, in particular for the establishment and functioning of databases. The implementation of IPA financed projects for the construction of border crossing points underlined the need to ensure that any property related issues are resolved before the start of the action.

Previous interventions in the area of the protection of fundamental rights was mainly allocated to separate projects targeting specific vulnerable groups such as Roma, persons with disabilities and children, and did not properly address the lack of cooperation between the three key stakeholders in the field of human rights and anti-discrimination (the BiH Ministry of Human Rights and Refugees, the Ombudsman of BiH and the BiH Gender Equality Agency). Building on the lessons learned, the action proposed under this programme will promote inter-institutional coordination for addressing discrimination and enhancing the implementation of the Anti-Discrimination and Gender Equality Laws. The proposed action is a partial follow-up to an IPA 2011 project "Technical strengthening of the capacity of the Ministry for Human Rights and Refugees and the social service providers", as it will improve the monitoring and reporting system of the Ministry and the Gender Equality Agency, and will build the capacity of the institutions mandated to report and provide information in the database established under the IPA 2011 assistance.

In the transport sector, previous programmes under IPA I focused on supporting preparation of studies for priority rail and road sections on the Core and Comprehensive SEETO networks as well institutional development and capacity building activities. As of 2012, the absence of a countrywide transport sector strategy limited or prevented Bosnia and Herzegovina from benefiting from further IPA funds in the sector. The adoption of the Framework Transport Strategy of Bosnia and Herzegovina 2016–2030 enables IPA support for further institutional and infrastructure development with the close involvement of the different levels of government.

Prior to the increased migratory flows, the EU had already provided, from 2007 to 2014, EUR 24 300 000 to support Bosnia and Herzegovina on migration and border management. This covered technical assistance to effectively manage migration and asylum (EUR 4 000 000), the provision of equipment (EUR 3 200 000), the construction of a reception facility for irregular migrants in East Sarajevo (EUR 1 000 000), the construction of the Asylum Centre in Delijaš, Trnovo (EUR 800 000), border guard infrastructure rehabilitation and capacity building (EUR 6 300 000).

Moreover, in 2015 and in 2017 additional funds were allocated for the establishment of video surveillance system at international border crossings in Bosnia and Herzegovina (EUR 1 500 000); the provision of automatic licence plate recognition system at the BiH border points (EUR 745 000); the improvement of border control information system and the border crossing infrastructure (EUR 4 500 000); and the upgrade of the Migration Information System related to the biometric data of foreigners (EUR 2 500 000).

In the coming period, under IPA 2018, it is foreseen to provide EUR 3 500 000 to establish an automated fingerprint and palm print identification system (this falls under Home Affairs and migration) and under IPA 2020, EUR 4 000 000 to enhance border management.

At the end of 2017, Bosnia and Herzegovina started seeing an increase in the number of migrants and refugees arriving in the country. In 2018, authorities detected 24,067 migrant and refugee arrivals, compared to 755 in the whole of 2017. In 2019, 29,124 migrant and refugee arrivals were detected, and the trend continued throughout 2020 with 16,150 migrant arrivals registered in BiH. In 2021, the authorities detected 4,546 migrant and refugee arrivals (until 16 May).

In response to the increase in persons of concern in need of humanitarian assistance and protection, a first Special Measure of EUR 7 200 000 was approved in August 2018 to respond to the immediate needs and complemented the humanitarian aid of EUR 2 000 000 for Bosnia and Herzegovina decided by the Commission on 7 June 2018.

The action started in September 2018 and ran until April 2019. It was focused primarily on providing basic food and accommodation to over 2,700 refugees and migrants, including access to water sanitation, hygiene and access to social services, through the establishment and management of four temporary reception centres in the Una-Sana Canton (Bira, Borići, Miral, Sedra) and one in the Sarajevo Canton (Ušivak).

The action also focused on the protection and assistance to persons of concern, particularly those in vulnerable situations, including access to asylum, and education for school-age children; while identification, referral and protection assistance to persons of concern and access to primary and secondary health care were covered under Commission humanitarian funding. Support was also provided to strengthening capacity for border control and surveillance, and locally identified and driven initiatives were supported to promote social cohesion among persons of concern and host communities in the Una-Sana and Sarajevo Cantons.

The first Special Measure was planned to provide support to about 2,700 migrants and refugees. Considering the increased number of arrivals and their prolonged stay in the country, a second Special Measure of EUR 13 000 000 was approved in order to guarantee continuity in terms of assistance and services.

The second Special Measure started in April 2019 and ended in January 2020. It was designed to provide assistance to up to 5,000 persons of concern residing in state-managed facilities and in the newly-established temporary reception centres, while health, protection and outreach assistance were provided by EU humanitarian funding (ECHO). The Action further supported the BiH Ministry of Security, namely the Border Police, the Service for Foreigners affairs and the sector for Asylum, in strengthening their capacity for migration management, asylum, and border control and surveillance.

In August 2019, an additional EUR 10 000 000 of aid was approved in order to assist the increasing number of persons of concern remaining outside the temporary reception centres, with the aim to identify and set up additional suitable reception facilities. The additional funds allowed the extension of all activities until the end of March 2020.

Following the identification of a new site by the BiH authorities, the action supported the establishment of an additional temporary reception center in Blažuj (Sarajevo Canton) with a total capacity of up to 1,400 persons. Works to ensure adequate reception conditions on site, supported by the German Civil Protection (THW) were finalised by end of January 2020 (except for increase of electricity power). In addition, since January 2020, an EU-funded senior expert has been deployed at the BiH Ministry of Security to support coordination on migration management among BiH authorities.

Despite EU advocacy and provided assistance, the country authorities have not yet ensured a comprehensive response, in terms of coordination among domestic competent bodies, effective management of reception capacities, and functioning of the asylum system. The refugees, asylum seekers and migrants transiting and present in Bosnia and Herzegovina still rely primarily on the support given by the international community.

This required the allocation of additional resources to support the authorities with the management of migration flows, avoid a humanitarian catastrophe and cover the basic needs of migrants.

An additional Special Measure was approved in June 2020, for an amount of EUR 20 000 000, to provide emergency assistance and implement preventive measures related to COVID-19 for non-accommodated refugees and migrants, in particular in the Una Sana Canton. The Special Measure was topped up with an additional EUR 25 000 000 in December 2020. This measure contributed to avoid leaving these refugees and migrants without shelter and appropriate medical care during the pandemic. It is expected that the budget of this Special Measure will be exhausted by July 2021.

The humanitarian funds (totalling EUR 13 800 000) since spring 2018 continue to provide health assistance and protection services in and outside the temporary reception centres, as well as outreach assistance. This includes the distribution of emergency items such as sleeping bags, warm clothes and food, protection and health assistance (primary and secondary health, mental health, paediatric services, and reproductive health), referrals to other services. The humanitarian funds ensure as well dedicated assistance for unaccompanied minors both outside and inside the centres. EU assistance targets the most vulnerable individuals, unaccompanied minors, families with children and pregnant women.

Furthermore, FPI supported a regional action through the Instrument contributing to Stability and Peace (IcSP) to address the COVID-19 challenges amongst migrant, asylum seekers and refugees in Western Balkans. The action complemented the support provided through the Special Measures.

In addition, between 2016 and December 2021, all Western Balkans partners also benefit from the regional programme '*Support to Protection-Sensitive Migration Management*' worth some EUR 14 500 000. The main aim of the programme, implemented jointly by the European Border and Coast Guard Agency (EBCGA), the European Asylum Support Office (EASO), IOM and UNHCR, is to support the target countries in developing a protection-sensitive response to mixed migration flows while aligning with EU policies and international standards. The Council of Europe Development Bank (CEB), through the Emergency Response to the Migrant and Refugee Situation in Bosnia and Herzegovina

through Targeted Shelter Interventions in Sarajevo' also supported the government's effort in establishing a new reception centre in the area of Sarajevo (Ušivak), which opened in December 2018.

Several bilateral donors from EU Member States and other partner countries are also supporting Bosnia and Herzegovina in the area of migration and border management. The Commission is coordinating closely in Sarajevo and Brussels to ensure most efficient use of EU resources.

***List of actions foreseen under the selected Sectors/Priorities:***

**Sector - Democracy and Governance**

DIRECT MANAGEMENT BY THE EU DELEGATION TO BOSNIA AND HERZEGOVINA	
1. EU support to an efficient and responsible public administration	EUR 5 700 000
2. EU support to public financial management reform	EUR 5 100 000
<b>TOTAL</b>	<b>EUR 10 800 000</b>

**Sector - Rule of Law and Fundamental Rights**

DIRECT MANAGEMENT BY THE EU DELEGATION TO BOSNIA AND HERZEGOVINA and INDIRECT MANAGEMENT WITH ENTRUSTED ENTITIES	
3. EU support to home affairs to combat illegal acts	EUR 16 150 000
4. EU support to effective justice	EUR 12 350 000
5. EU for human rights and anti-discrimination	EUR 1 000 000
<b>TOTAL</b>	<b>EUR 29 500 000</b>

**Sector - Transport**

DIRECT MANAGEMENT BY THE EU DELEGATION TO BOSNIA AND HERZEGOVINA	
6. EU support for transport sector development	EUR 20 000 000
<b>TOTAL</b>	<b>EUR 20 000 000</b>
<b>PROGRAMME TOTAL</b>	<b>EUR 60 300 000</b>

**2.2 DESCRIPTION AND IMPLEMENTATION OF THE ACTIONS**

<b>SECTOR</b>	<b>Democracy and Governance</b>		<b>EUR 10 800 000</b>
<b>Action 1</b>	<b>EU support to an efficient and responsible public administration</b>	<b>Direct management</b>	<b>EUR 5 700 000</b>

***(1) Description of the action, objective, expected results and key performance indicators***

Description of the action: This action will contribute to the development of an efficient, professional, transparent and service oriented public administration that has achieved an increased level of harmonisation among the different levels of government.

The objective of this action is to improve the capacity of the public administration to implement the EU integration requirements in the area of human resources management, statistics and e-services.

Expected results:

- The human resources management system is further aligned with the Principles of Public Administration,
- Statistics system in Bosnia and Herzegovina is further harmonised with the EU *acquis*,
- IT utilization in the public administration has increased in accordance with the EU Directives and standards for security features.

Key performance indicators:

- Extent to which the policy, legal framework and institutional set-up for professional human resources management in the public service is in place,
- Percentage of statistical compliance with the EU *acquis*,
- Average time the Agency for Identification Documents, Registers and Data Exchange (IDDEEA) is required to deliver a service to citizens upon filing of the request.

**(2) Assumptions and conditions**

- Full commitment and support of the decision-makers of all involved institutions is ensured and the public administrations are fully committed to cooperate among themselves during the implementation of the action,
- Good cooperation between relevant partners and willingness to adapt to changes where necessary,
- Access to available relevant data, including reports, normative acts, human resources data and records of previous EU funded projects, as well as any other required information relevant for implementation of this action (particularly for results that will be linked to upgrading the current civil servant system).

**(3) Implementation arrangements for the action:** Direct management by the EU Delegation to Bosnia and Herzegovina

**(3)(a) Essential elements of the action (for direct management):**

**Procurement:**

- a) the global budgetary envelope reserved for procurement: EUR 4 000 000
- b) the indicative number and type of contracts: 2 service and 1 supply contracts
- c) indicative time frame for launching the procurement procedure: Q1 2018

**Grant – Twinning – Call for proposals (Further alignment of Bosnia and Herzegovina statistics with the EU *acquis*):**

- a) Objectives and foreseen results: The objective of the twinning project will be to enable partnership between the statistical authorities in EU Member States and Bosnia and Herzegovina on the transposition of EU Directives and further harmonisation of the Bosnia and Herzegovina statistical system with the EU *acquis*.

- b) The essential eligibility criteria: Applicants must be EU Member State administrations or mandated bodies.
- c) The essential selection criterion is the operational capacity of the applicant.
- d) The essential award criteria are technical expertise of the applicant, and the relevance, methodology and sustainability of the proposed action.
- e) The maximum possible rate of EU financing may be up to 100% of the total cost of the action in accordance with Article 192 of Financial Regulation if full funding is essential for the action to be carried out. The necessity for full EU funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.
- f) Indicative amount of the Twinning contract: EUR 1 700 000
- g) Indicative date for launching the selection procedure: Q4 2018

<b>Action 2</b>	<b>EU support to public financial management reform</b>	<b>Direct management</b>	<b>EUR 5 100 000</b>
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*(1) Description of the action, objective, expected results and key performance indicators*

Description of the action: The objective of this action is to improve public financial management in Bosnia and Herzegovina through improved budget planning process.

Expected results:

- Indirect taxation system in Bosnia and Herzegovina is strengthened,
- Medium-term policy planning at all levels of government in Bosnia and Herzegovina is improved and aligned with the process of programme budgeting,
- Human resources capacities for policy planning and linking with programme budgeting enhanced at all government levels in Bosnia and Herzegovina.

Key performance indicators:

- Extent to which fiscal planning, expenditure policy and budgeting is carried out on a multi-year perspective.
- Extent to which the legal basis for the full implementation of programme budgeting is in place.

*(2) Assumptions and conditions*

- Commitment of all levels of government to the reforms and to mutual cooperation during the implementation of the action,
- Active participation of budget users in implementation of the action.
- The full implementation of the provisions for the use of electronic signature in Bosnia and Herzegovina is a pre-condition for the start of activities related to the expected result 1 (indirect taxation system in Bosnia and Herzegovina is strengthened).

Failure to comply with the requirements set out above may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

(3) **Implementation arrangements for the action:** Direct management by the EU Delegation to Bosnia and Herzegovina

(3)(a) **Essential elements of the action (for direct management):**

**Procurement:**

- a) the global budgetary envelope reserved for procurement: EUR 4 500 000
- b) the indicative number and type of contracts: 1 service and 1 supply contract
- c) indicative time frame for launching the procurement procedure: Q2 2018

**Grant – Twinning – Call for proposals (Further alignment of indirect taxation with the EU acquis):**

- a) Objectives and foreseen results: The objective of the twinning project will be to enable partnership between taxation authorities in EU Member States and Bosnia and Herzegovina on the transposition of EU Directives and further harmonisation of the Bosnia and Herzegovina indirect taxation system with the EU *acquis*.
- b) The essential eligibility criteria: Applicants must be EU Member State administrations or mandated bodies.
- c) The essential selection criterion is the operational capacity of the applicant.
- d) The essential award criteria are technical expertise of the applicant, and the relevance, methodology and sustainability of the proposed action.
- e) The maximum possible rate of EU financing may be up to 100% of the total cost of the action in accordance with Article 192 of Financial Regulation if full funding is essential for the action to be carried out. The necessity for full EU funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.
- f) Indicative amount of the Twinning contract: EUR 600 000
- g) Indicative date for launching the selection procedure: Q3 2018

<b>SECTOR</b>	<b>Rule of Law and Fundamental Rights</b>		<b>EUR 29 500 000</b>
<b>Action 3</b>	<b>EU support to home affairs to combat illegal acts</b>	<b>Direct management</b> <b>Indirect management</b>	<b>EUR 16 150 000</b>

**(1) Description of the action, objective, expected results and key performance indicators**

Description of the action: This action will contribute to improve public safety and security in Bosnia and Herzegovina. The objective of this action is to improve the effectiveness of institutions that contribute to the fight against organised crime and other illegal acts in Bosnia and Herzegovina. Also to support Bosnia and Herzegovina managing mixed migration flows in the context of the increased number of refugees, asylum-seekers and migrants entering the country since the end of 2017.

Expected results:

Capacity of cross border points improved (equipment)

- Capacities of the institutions dealing with organised crime are further developed (staff and equipment) to enable detection and identification of crimes,
- Capacities for biometric identification in the area of migration and asylum are strengthened,
- Support to Bosnia and Herzegovina in managing the migration flows in 2021
- Strengthened capacity of the Border Police, the Service for Foreigner Affairs, and the Sector for Asylum to more efficiently manage migration.

Key performance indicators:

- Number of detected illegal acts (criminal offence and offence) on the border including false passports,
- Percentage of filed charges in relation to the number of reported cases of organised crime and leading to prosecution,
- Percentage of biometric data about foreigners entered in Bosnia and Herzegovina in the upgraded Migration Information System in accordance with the legal requirements,
- Number of persons of concern provided with appropriate shelter, non-food items, protection, and water, sanitation and hygiene (WASH),
- Number of refugees, asylum seekers and migrants having access to sufficient food and nutrition, including adequate nutrition for children below 2 years of age,
- Number of children having access to informal education,
- Number of temporary reception centres (TRCs) with sufficient numbers of toilets, showers and adequate laundry capacity for the planned number of persons of concern,
- Ministry of Security (Border Police, Service for Foreigner Affairs, Sector for Asylum) enforced with a number of additional staff and services

***(2) Assumptions and conditions***

- Adequate implementation of asylum and migration policies in the region,
- Effective cooperation and coordination between all relevant institutions in Bosnia and Herzegovina and the region.
- For all activities related to procurement of equipment under this action, the beneficiary institutions shall be responsible for ensuring maintenance and upgrades, as well as training of their staff on the new equipment, with their own financial means,
- Bosnia and Herzegovina authorities at all levels will ensure effective coordination in managing the migration situation,
- Bosnia and Herzegovina authorities will ensure the required human resources for identification and registration of refugees, asylum-seekers and migrants, as well as for border checks and patrolling.
- Bosnia and Herzegovina authorities will allocate adequate location/premises for accommodation of refugees, asylum-seekers and migrants in line with EU requirements and the existing facilities will not be closed
- There will be no major security risks.
- The entrusted entity and its partners will ensure effective coordination.
- The restrictive measures implemented to limit the spread of COVID-19 will not hamper the implementation of the Action.

Failure to comply with these conditions may lead to recovery of funds under this programme and/or the re-allocation of future funding.

**(3) Implementation arrangements for the action:** Direct management by the EU Delegation to Bosnia and Herzegovina and Indirect management with entrusted entities

**(3)(a) Essential elements of the action (for direct management)**

**Procurement:**

- a) the global budgetary envelope reserved for procurement: EUR 4 500 000
- b) the indicative number and type of contracts: 2 supply contract
- c) indicative time frame for launching the procurement procedure: Q2 2020

**Grant – Twinning – Call for proposals (*Develop Capacities of cyber-crime units in police agencies*):**

- a) Objectives and foreseen results: The objectives of this Twinning are to provide a specialised training programme and courses for staff designated to work on cyber-crime cases. The expected results are enhanced capacity of the cyber-crime units in interception of electronic messages, improved prevention of the use of ICT for crimes of paedophilia, and enhancement of the ICT system protection and security.
- b) The essential eligibility criteria: Applicants must be EU Member State administrations or mandated bodies.
- c) The essential selection criterion is the operational capacity of the applicant.
- d) The essential award criteria are technical expertise of the applicant, and the relevance, methodology and sustainability of the proposed action.
- e) The maximum possible rate of EU financing may be up to 100% of the total cost of the action in accordance with Article 192 of Financial Regulation if full funding is essential for the action to be carried out. The necessity for full EU funding will be justified by the responsible authorising officer in the award decision, in respect of the principles of equal treatment and sound financial management.
- f) Indicative amount of the Twinning contract: EUR 1 000 000
- g) Indicative date for launching the selection procedure: Q3 2018

**(3)(b) Essential elements of the action (for indirect management)**

The part of the action related to Result 4 will be implemented in indirect management, through a contribution agreement, with the International Organisation for Migration (IOM) and with other pillar-assessed entities (UNHCR, UNICEF and UNFPA) under a multi-partner contribution agreement.

This implementation entails, but is not limited to the following activities: the operation of migration centres, including management of staff working at the centres, the provision of food and non-food items, medical items, the transportation of migrants, and support to local communities.

In addition, the IOM will coordinate the actions with other pillar-assessed entities, as well as with relevant government authorities and other donors.

The IOM and the other entities (UNHCR, UNICEF, and UNFPA) have been selected using the following criteria:

- Presence in Bosnia and Herzegovina and in other Western Balkan countries. Sufficient administrative capacity.
- Capacity to respond quickly.
- Proven track record and expertise in border management related programmes in Bosnia and Herzegovina, as well as in other Western Balkan countries.
- Experience with all tasks that are required under the special measure: logistical support, procurement, managing large and complex operations.

In case the envisaged entities would need to be replaced, the Commission's services may select a replacement using the same criteria.

<b>Action 4</b>	<b>EU support to effective justice</b>	<b>Direct management</b>	<b>EUR 12 350 000</b>
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***(1) Description of the action, objective, expected results and key performance indicators***

Description of the action: This action will contribute to strengthened rule of law in Bosnia and Herzegovina. The objective of this action is to enhance the effectiveness of Bosnia and Herzegovina judiciary and to increase public trust in the country's justice system.

Expected results:

- Capacity of judiciary institutions in Bosnia and Herzegovina (staff, procedures, equipment and facilities) for dealing with cases of organised crime, corruption, war crimes, commercial crimes and other type of cases is increased,
- Technical capacity of the Office of Disciplinary Council, and communication between judiciary institutions and public/ media are strengthened,
- Implementation of Alternative Dispute Resolution (ADR) methods in the judiciary is enhanced,
- Facilities for execution of criminal sanctions throughout Bosnia and Herzegovina are improved.

Key performance indicators:

- Clearance rate of bankruptcy, liquidation and war crime cases,
- Percentage of interviewed court users are satisfied with court services.

***(2) Assumptions and conditions***

- Continued commitment of the relevant authorities in Bosnia and Herzegovina for a harmonized and coordinated approach to implementing the reforms in the justice sector,
- Law enforcement agencies have strengthened their ICT capacities,
- Ministries of justice, High Judicial and Prosecutorial Council, courts and prosecutors' offices make optimum use of available tools in the decision-making processes,
- Robust integrity framework of the Bosnia and Herzegovina judiciary (consisting of integrity plans of individual institutions) is in place,

- Commitment of all relevant authorities in Bosnia and Herzegovina to participate in promoting ADR and in drafting a Strategy and general proposal for an action plan for ADR.
- For all activities related to infrastructure under this action, any property issues and legal preparatory activities shall be completed by the beneficiary institutions before the start of the tendering procedures. For all activities related to equipment under this action, the beneficiary institutions shall be responsible for ensuring maintenance and upgrades, as well as training of their staff on the new equipment, with their own financial means.

Failure to comply with the requirements set out above may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

**(3) Implementation arrangements for the action:** Direct management by the EU Delegation to Bosnia and Herzegovina

**(3)(a) Essential elements of the action (for direct management):**

**Procurement:**

- a) the global budgetary envelope reserved for procurement: EUR 5 000 000
- b) the indicative number and type of contracts: 2 service and 2 works contracts
- c) indicative time frame for launching the procurement procedure: Q2 2020

**Grant – Direct grant award (EU support to the effectiveness of BiH judiciary)**

- a) Objectives and foreseen results: The objective of the action is to enhance the effectiveness of the Bosnia and Herzegovina judiciary and to increase public trust in the country's justice system. The expected results are increased capacity of judiciary institutions in Bosnia and Herzegovina (staff, procedures, equipment and facilities) for dealing with cases of organised crime, corruption, war crimes, commercial crimes and other types of cases, and to strengthen the technical capacity of the Office of Disciplinary Council, as well as the communication between judiciary institutions and public/ media.
- b) Justification for the use of an exception to calls for proposals: The direct agreement with the High Judicial and Prosecutorial Council (HJPC) will be concluded in accordance with Article 190(1c) of the Rules of Application to the Financial Regulation for bodies with a *de jure* or *de facto* monopoly, duly substantiated in the award decision.
- c) The name of the beneficiary: High Judicial and Prosecutorial Council (HJPC)
- d) The essential selection criteria are financial and operational capacity of the applicant; the award criteria are relevance, effectiveness and feasibility, sustainability and cost effectiveness of the action.
- e) Indicative amount of the grant: EUR 5 950 000
- f) The maximum possible rate of EU financing will be 100% of the total costs of the action. Full financing of the action is essential for the action to be carried out considering the EU commitment in the field since 2004 (supporting the development of a modern BiH judiciary with a focus on the use of information & communication technologies and performance management) and the lack of

sufficient financial means on the side of the BiH judiciary. This will also ensure higher visibility of the action.

- g) Indicative date for launching the selection procedure: Q4 2017.

**Grant – Direct grant award (EU support to the processing of war crime cases):**

- a) Objectives and foreseen results: The objective of this grant is to enhance processing of war crime cases in the Bosnia and Herzegovina judiciary. This activity represents the continuation of IPA 2012/2013 support to courts and prosecutors' offices for processing of war crime cases. The expected result of this assistance is increased effectiveness in processing of war crime cases and a significant number of war crime cases solved.
- b) Justification for the use of an exception to calls for proposals: The direct agreement with the Ministry of Finance and Treasury of Bosnia and Herzegovina will be concluded in accordance with Article 190(1c) of the Rules of Application to the Financial Regulation for bodies with a *de jure* or *de facto* monopoly, duly substantiated in the award decision.
- c) The name of the beneficiary: Ministry of Finance and Treasury of Bosnia and Herzegovina
- d) The essential selection criteria are financial and operational capacity of the applicant;
- e) Indicative amount of the grant: EUR 1 400 000
- f) The maximum possible rate of EU financing will be 100% of the total costs of the action. Full financing of the action is essential for the action to be carried out because the complexity of the institutional set-up of the various authorities involved in the implementation of the Measure (i.e. Ministries of Finance at the state and entity level, the High Judicial and Prosecutorial Council, courts and prosecutor's offices throughout the Country), which are financed from different budgets, would not allow for national co-financing to be provided.
- g) Indicative date for launching the selection procedure: Q4 2018

<b>Action 5</b>	<b>EU for human rights and anti-discrimination</b>	<b>Direct management</b>	<b>EUR 1 000 000</b>
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**(1) Description of the action, objective, expected results and key performance indicators**

Description of the action: This action will contribute to meaningful progress towards meeting accession criteria on the protection of fundamental human rights in Bosnia and Herzegovina, in line with the international standards. The objective of this action is to improve the protection of victims of all forms of discrimination and to strengthen the capacities of institutional mechanisms addressing anti-discrimination and human rights.

Expected results:

- Public awareness of all forms of discrimination and protection of fundamental rights enhanced,

- Capacities of municipal officials, gender equality bodies, service providers and vulnerable groups strengthened,
- Effectiveness of the implementation of the Anti-Discrimination Law and the Gender Equality Law in Bosnia and Herzegovina is increased,
- .

Key performance indicators:

- Percentage of legally grounded complaints of discrimination submitted,

**(2) Assumptions and conditions**

- Programme to Combat Discrimination in Bosnia and Herzegovina is adopted,
- Other institutions active in the field of fundamental rights' protection support the implementation of this action,
- The institutions are fully committed to cooperate together and there is a continuity in the management structure contributing to preserving the institutional memory,
- Communication tools in the public campaign will be chosen adequately targeting various groups in the BiH society. The chosen communication tools will respond to the need of the vulnerable groups.

Failure to comply with the requirements set out above may lead to a recovery of funds under this programme and/or the re-allocation of future funding

**(3) Implementation arrangements for the action:** Direct management by the EU Delegation to Bosnia and Herzegovina

**(3)(a) Essential elements of the action (for direct management)**

**Procurement:**

- a) the global budgetary envelope reserved for procurement: EUR 1 000 000
- b) the indicative number and type of contracts: 1 service contract
- c) indicative time frame for launching the procurement procedure: Q1 2018

<b>SECTOR</b>	<b>Transport</b>		<b>EUR 20 000 000</b>
<b>Action 6</b>	<b>EU support for transport development</b>	<b>Direct management</b>	<b>EUR 20 000 000</b>

**(1) Description of the action, objective, expected results and key performance indicators**

Description of the action: This action will contribute to ensure closer integration between Bosnia and Herzegovina and the EU in the transport sector, including on connectivity agenda priorities. The objective of this action is to support the capacity building of transport sector institutions and development of transport infrastructure in Bosnia and Herzegovina.

Expected results:

- Increased readiness for implementation of the selected priority railway and road projects;

- Enhanced capacity for managing transport policies, planning and implementation of selected infrastructure projects.

Key performance indicators:

- Number of tender dossiers completed and ready for launch of works procurement for specific infrastructure interventions
- Level of implementation of measures in the transport strategy and the annual financial value of projects in the action plans implemented

*(2) Assumptions and conditions*

- BiH remains committed to progress in fulfilling SAA requirements
- Substantial progress is made in the implementation of the Connectivity Reform Measures
- The approved WBIF projects in BiH are implemented
- BiH institutions' borrowing capacity allows contracting loans for future investment
- A functional sector coordination mechanism, including all relevant stakeholders, is in place to ensure complementarity of activities and to avoid overlapping or double financing.
- The Transport Community Treaty is signed by BiH at the latest by the time of signature of this Financing Agreement.

Failure to comply with the requirements set out above may lead to a recovery of funds under this programme and/or the re-allocation of future funding.

*(3) Implementation arrangements for the action:* Direct management by the EU Delegation to Bosnia and Herzegovina

*(3)(a) Essential elements of the action (for direct management)*

**Procurement:**

- a) the global budgetary envelope reserved for procurement: EUR 20 000 000
- b) the indicative number and type of contracts: Up to 11 service contracts
- c) indicative time frame for launching the procurement procedure: Q3 2018/Q3 2019

### 3. BUDGET

#### 3.1 INDICATIVE BUDGET TABLE – ANNUAL ACTION PROGRAMME FOR BOSNIA AND HERZEGOVINA FOR THE YEAR 2017

		EU Contribution	IPA II beneficiary Co-financing	Total expenditure	Management Mode
Objective 1	<b>01. Democracy and Governance</b>	<b>10 800 000</b>	-	<b>10 800 000</b>	
	1. EU support to an efficient and responsible public administration	5 700 000	-	5 700 000	Direct management
	2. EU support to public financial management reform	5 100 000	-	5 100 000	Direct management
	<b>02. Rule of Law and Fundamental Rights</b>	<b>29 500 000</b>	-	<b>29 500 000</b>	
	3. EU support to home affairs to combat illegal acts	5 500 000	-	5 500 000	Direct management
		10 650 000	-	10 650 000	Indirect management
	4. EU support to effective justice	12 350 000	-	12 350 000	Direct management
	5. EU for human rights and anti-discrimination	1 000 000	-	1 000 000	Direct management
<b>Total Objective 1</b>		<b>40 300 000</b>	-	<b>40 300 000</b>	
Objective 2	<b>04. Transport</b>	<b>20 000 000</b>	-	<b>20 000 000</b>	
	6. EU support for transport sector development	20 000 000	-	20 000 000	Direct management
<b>Total Objective 2</b>		<b>20 000 000</b>	-	<b>20 000 000</b>	
<b>Total Programme</b>		<b>60 300 000</b>			

#### **4. IMPLEMENTATION MODALITIES AND GENERAL RULES FOR PROCUREMENT AND GRANT AWARD PROCEDURES**

##### **DIRECT MANAGEMENT:**

This programme shall be implemented by direct management by the Commission / by the Union Delegations in accordance with article 58(1)(a) of the Financial Regulation and the corresponding provisions of its Rules of Application.

Procurement shall follow the provisions of Part Two, Title IV Chapter 3 of the Financial Regulation No 966/2012 and Part Two, Title II, Chapter 3 of its Rules of Application.

Grant award procedures shall follow the provisions of Part Two Title IV Chapter 4 of the Financial Regulation No 966/2012 and Part Two Title II Chapter 4 of its Rules of Application.

Under the Financial Regulation, Parts One and Three of the Financial Regulation and its Rules of Application shall apply to external actions except as otherwise provided in Part Two, Title IV.

The Commission may also use services and supplies under its Framework Contracts concluded following Part One of the Financial Regulation.

##### **Twinning:**

Twinning projects shall be set up in the form of a grant agreement, whereby the selected EU Member State administrations agree to provide the requested public sector expertise against the reimbursement of the expenses thus incurred.

The contract may in particular provide for the long-term secondment of an official assigned to provide full-time advice to the administration of the IPA II beneficiary as resident twinning advisor.

The twinning grant agreement shall be established in accordance with relevant provisions of Part Two Title IV Chapter 4 of the Financial Regulation and Part Two Title II Chapter 4 of its Rules of Application. Parts One and Three of the Financial Regulation and its Rules of Application shall apply to external actions except as otherwise provided in Part Two, Title IV.

#### **5. PERFORMANCE MONITORING ARRANGEMENTS**

As part of its performance measurement framework, the Commission shall monitor and assess progress towards achievement of the specific objectives set out in the IPA II Regulation on the basis of pre-defined, clear, transparent measurable indicators. The progress reports referred to in Article 4 of the IPA II Regulation shall be taken as a point of reference in the assessment of the results of IPA II assistance.

The Commission will collect performance data (process, output and outcome indicators) from all sources, which will be aggregated and analysed in terms of tracking the progress versus the targets and milestones established for each of the actions of this programme, as well as the Country Strategy Paper.

The overall progress will be monitored through the following means: a) Result Orientated Monitoring (ROM) system; b) IPA II Beneficiaries' own monitoring; c) self-monitoring performed by the EU Delegations; d) joint monitoring by DG NEAR and the IPA II Beneficiaries, whereby the compliance, coherence, effectiveness, efficiency and coordination in implementation of financial assistance will be regularly monitored by an IPA II Monitoring committee, supported by Sectoral Monitoring committees, which will ensure a monitoring process at sector level.