

ANNEX

to the Commission Implementing Decision adopting a Special Measure as regards Strengthening the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows

1 IDENTIFICATION

Beneficiary	The Republic of Serbia
CRIS/ABAC Commitment references Total cost EU Contribution Budget line	Instrument for Pre-accession Assistance (IPA-II) 2019/041-258/ EUR 27,450,000.00 from 22.02 01 01
Method of Implementation	Direct management by the European Commission Indirect Management with International Organization for Migration (IOM)
Final date for concluding <u>Financing Agreements</u> with the IPA II beneficiary	At the latest by 31 December 2020
Final date for contracting, including for conclusion of contribution/delegation agreements	3 years following the date of conclusion of the Financing Agreement
Indicative operational implementation period	6 years following the date of conclusion of the Financing Agreement.
Final date for implementing the Financing Agreement (date by which this programme should be de-committed and closed)	12 years following the conclusion of the Financing Agreement.

2 DESCRIPTION OF THE SPECIAL MEASURE

2.1 SECTORS SELECTED UNDER THIS SPECIAL MEASURE

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

The priorities of this special measure for Serbia are in line with the revised Indicative Strategy Paper for Serbia¹ which sets out the priorities for EU financial assistance for the period until 2020 to support Serbia on its path to EU accession based on two pillars: Democracy and Rule of Law, and Competitiveness and Growth.

The selection of the specific sector to be financed under this programme was based on the consideration of the objectives and results included in the strategy paper; the priorities defined within "A credible enlargement perspective for and enhanced EU engagement with the Western Balkans" from 2018². Particular attention was paid to ensuring the close link between the actions proposed in this programme and the Flagship Initiatives linked to the strategy paper. The support contributes closely to Flagship Initiative 2 – Reinforcing Engagement on Security and on Migration. The priorities in this special measure follow the specific recommendations of the Annual Report for Serbia for 2019, as well as on relevant national strategic documents. The present programme has been prepared in close cooperation with the Ministry of European Integrations and national institutions, as well as in close coordination with other donors including international financial institutions, and civil society organisations.

The Action under this special measure has been assessed based on the best practices and experiences gained from previous support aimed at ensuring Serbia has an effective and efficient migration management framework in place. The key principles of maturity, absorption capacity, adequate sequencing with previously programmed Instrument of Pre-Accession Assistance (IPA) and other donors' assistance were taken into account.

The refugee and migration crisis along the Western Balkans route has resulted in a particularly high pressure on national authorities/resources within Serbia. With the closure of the Western Balkans route in 2016, the number of persons stranded in Serbia increased and they are often staying for longer periods of time. The situation has thus evolved from an emergency crisis situation to one of a more protracted nature that requires additional efforts from the authorities and donors to meet more medium to long term needs, in particular addressing specific needs during winter time and the respective increased caseload.

In Serbia, the estimated number of refugees, asylum-seekers and migrants is currently around 4,000 with nearly 90% accommodated in government-run centres across the country³. The top five nationalities in mid-October are Afghanistan 33.5%, Iran 30.7%, Pakistan 19%, Iraq 6.5% and Bangladesh 4.6%.

While recent months indicate a consistent upward trend, the numbers of migrants that are likely to be present in Serbia in the coming year are difficult to predict as decisions taken in one country along the route can have a direct effect on the border of each of the countries downstream and on the number of persons stranded along the route. Recent experience also indicates seasonal fluctuations with the numbers of migrants going down in spring and summer but rising in fall and winter when travel is most difficult. An additional burden on the national migration management system places the increase of the number of

¹ C(2018) 5064 of 10.08.2018

² COM(2018) 65 of 06.02.2018

³ UNCHR Serbia update 15-28 October 2018.

unaccompanied asylum-seeking children (UASC). In 2018 more than 2800 new UASC were identified and registered⁴, and in the first months of 2019 the United Nations High Commissioner for Refugees (UNHCR) observed more than 150 new arrivals per month, which represent 20% of all new observed arrivals.⁵ Total number of registered UASC in January 2019 was around 550, which represents more than 500% increase compared to the same period of 2018. The structure of the migrant population has changed towards a significant increase of share of vulnerable groups in the migrant population, most specifically UASC, children and victims of sexual, domestic and other types of violence, as well as trafficking. In January 2019 the UASC represented about 15% and children about 25% of the total migrant population in Serbia.⁶

Currently, most migrants stay in Serbia for more than six months, and there are cases in which some are staying more than a year. The Serbian authorities have made considerable efforts to strengthen the capacity for the accommodation and care of migrants and prepare up to 6 000 places for the reception of migrants. However, many remain sheltered in temporary structures or hard-shelters which are often overcrowded and do not meet international standards, although significant improvements have been made via previous EU support through IPA, the Directorate-General for Humanitarian Aid and Civil Protection (DG ECHO) and the EU Trust Fund for Syria.

Despite these efforts, Serbia lacks the resources to cover the necessary equipment, refurbishment and (re)construction, provision of food, basic services and adequate staffing of existing centres. The Serbian government has mobilised all necessary and available capacities to address the needs of migrants in Serbia but their capacities are becoming overstretched. Moreover, the prolonged stay of migrants has created additional pressure on similarly overstretched institutions at the local level.

In the absence of funding from other EU sources focused specifically on migration management, and in order to allow the continuation and consolidation of the achieved results and the proper continuation and functioning of the capacities of the beneficiary institutions, upon which a more long-term sustainable and mature migration management system can be built in the future, it was decided to programme assistance this year through a special measure under the annual national programme for Serbia.

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

Rule of Law, sub-sector Home Affairs

IPA support from 2014 to 2018 in the amount of EUR 63,500,000 has been programmed for the Home Affairs sub-sector under the Rule of Law sector, which includes the area of migration management. This includes an IPA 2016 Sector Budget Support for Integrated Border Management in the amount of EUR 24,000,000, and complementary support of EUR 4,000,000 for the development of standards in accordance with the Eurodac/Eurosur and Sirene systems. National IPA support was also programmed in the past with the aim of supporting harmonization of national policies with EU standards and *acquis* in the field of asylum, as well as for the construction of asylum centers in Serbia.

⁴ UNHCR Quantitative Snapshot of UNHCR Serbia 2018 Programme.

⁵ UNHCR Serbia Snapshot - February 2019.

⁶ UNHCR Quantitative Snapshot of UNHCR Serbia 2018 Programme.

The Special Measure is an integrated component within the wider enlargement process and Chapter 24 on justice and home affairs negotiations with Serbia to support the establishment of migration management systems compliant with EU standards. The Special Measure will build on and complement humanitarian aid and other forms of assistance thus far allocated by the European Commission and other donors, such as:

- The EU, through DG ECHO of the European Commission provided funds for humanitarian aid in the amount of EUR 28,800,000 as a regional support for Western Balkan countries (primarily for Serbia and the Republic of North Macedonia) on issues related to migration. Through implementing partners funds were used for: procurement of food, hygiene, health and protection services, reunification of families, as well as refurbishment and securing adequate accommodation facilities.

- The EU Civil Protection Mechanism was activated in September 2015 and provided support for a total value of approximately EUR 950,000.

- The European Commission approved in 2015 a Special Measure on strengthening the response capacity of the most affected countries in the Western Balkans to cope effectively with the increased mixed migration flows for the amount of EUR 10,000,000 of which EUR 1,500,000 was dedicated to strengthening the operational capacity of the Serbian Commissariat for Refugees and Migration, EUR 5,500,000 to direct support to national and local authorities by providing necessary equipment and supply and EUR 3,000,000 to strengthening the capacity of civil society organisations to assist the authorities in providing services to effectively manage the migration flows.

- The MADAD Trust Fund approved support to Serbia in form of two direct grants to the Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Interior and Commissariat for Refugees and Migration in the amount of EUR 24,300,000, as well as an overall allocation of EUR 16,500,000 to the International Organization for Migration (IOM) for implementation of activities in Serbia and North Macedonia. These funds are used to cover running and operational costs of reception centres and the engagement of additional staff, and in cooperation with IOM for reconstruction and equipping of reception centres, purchase of specialised vehicles with medical equipment, assisted voluntary return of migrants the country of origin, access to protection services, support to medical services in the reception centres, etc.

- In addition, an IPA II Multi-beneficiary programme adopted in 2015 for EUR 8,000,000 is intended as regional aid for capacity building to support the establishment of a protection sensitive system for migration management and information sharing in the region.

- Out of the annual IPA 2014 programme EUR 3,200,000 has been secured for the construction of asylum centres in Serbia.

- The Twinning Project "Support to the National Asylum System of the Republic of Serbia" (IPA 2013) was implemented from September 2015 to February 2018. It contributed to the harmonisation of national policies with EU standards and the *acquis* in the field of asylum.

- The project "Support to the Information Management, Communication and Planning Capacity in Addressing the Migration Management Challenges in Serbia" implemented by IOM for an amount of EUR 500,000 aims at ensuring that assistance and protection measures for migrants are standardised, regularly monitored and consistently improved.

- "Strengthening protection and food security for migrants and refugees in the Western Balkans" (EUR 12,000,000) implemented by Oxfam Italia led international consortium and IOM.

- „Support to unaccompanied minors Serbia”, implemented by the Ministry of labour, Employment, Veteran and Social Affairs (MoLEVSA) and funded by Swiss Agency for Development and Cooperation (SDC) in the amount of EUR 600,000 (2014-16) for in order to contribute to the improved protection of unaccompanied minors (UAMs).

- “Humanitarian aid by the Republic of Korea to migrant population in Serbia: reaffirmation of friendly relations between the two countries”, implemented by MoLEVSA in 2016-2018 (EUR 1,000,000) as a form of support to the implementation of the Operational Response Plan of the Government of the Republic of Serbia.

List of Actions foreseen under the selected Sectors/Priorities:

Sector/Priority/Action	Direct management	Indirect management	
		With entrusted entity	With IPA II beneficiary
RULE OF LAW AND FUNDAMENTAL RIGHTS			
Action "Strengthening the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows"	EUR 20,550 000.00	EUR 6,900,000.00	EUR N/A
TOTAL	EUR 20,550,000.00	EUR 6,900,000.00	EUR N/A

2.2 DESCRIPTION AND IMPLEMENTATION OF THE ACTIONS

The envisaged assistance should follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 of the Treaty on the Functioning of the European Union⁷.

SECTOR 1	RULE OF LAW AND FUNDAMENTAL RIGHTS	EUR 27,450,000.00
Action 1	"Strengthening the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows"	EUR 27,450,000.00

(1) Description of the Action, objectives, expected results and key performance indicators

The overall objective of the Special Measure is to strengthen protection and resilience of migrant or refugee populations in the Western Balkans, in particular in Serbia, and improve

⁷ www.sanctionsmap.eu 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.

the capacity of authorities to manage migration flows in a protection sensitive manner including enhancing shelter capacity and delivery of services.

The Specific objectives are:

1. To ensure and to expand the direct operational capacity of authorities to effectively respond to the needs of the refugees, migrants and UASC under their overall responsibility and within their experience and expertise;
2. To ensure adequate access to all types of necessary healthcare services for migrants, refugees and asylum seekers both in the reception/transit/asylum centres and in the public health system;
3. To support the operational capacities of Ministry of Education, Science and Technological Development (MoESTD), Commissariat for Refugees and Migration of the Republic of Serbia (SCRM), MoLEVSA and Ministry of Interior (MoI) to effectively respond to the needs of the refugees and migrants, in particular vulnerable groups through the provision of access to quality formal and non-formal education, continuation of protection related services in the centres, Assisted Voluntary Return and Reintegration (AVRR), distribution of non-food items (NFIs) in the reception and asylum centres, smaller infrastructural improvements in the reception centres and social protection institutions, more efficient outreach activities of the Asylum Office.

- Expected results and key performance indicators

Expected results:

Component 1:

- 1.a. Strengthened operational capacity of the relevant Serbian authorities to provide for various needs of refugees and migrants;
- 1.b. Increased capacity to coordinate the assistance offered by key service delivery providers in the reception centres across Serbia;
- 1.c. Improved access of women, men and children who are migrants in Serbia to services in the reception facilities.

Component 2:

- 2.a. Health care services for migrants and refugees are provided;
- 2.b. Migrant health and hygienic situation improved;
- 2.c. Epidemiological health risks for the general population through migration are reduced.

Component 3:

- 3.a. Improvements in ensuring proper living conditions, NFI distribution and access to protection in Government facilities housing migrants and asylum seekers provided;
- 3.b. Improved capacity of professionals in the education system to provide adequate support to migrants, to create a stimulating and tolerant education environment and to improve the quality of education of migrants at all levels of education.
- 3.c. UASC and other vulnerable migrant families and individuals who are beneficiaries of the social protection system provided with the adequate accommodation and living conditions;
- 3.d. Adequate social protection mechanisms in place for UASC through the engagement of additional local professionals and support staff;

3.e. Direct AVRR support provided for the quota of 200 migrants who want to return in their country of origin;

3.f. Technical and operational capacities of the MoI (Border Police Directorate) strengthened to enable more efficient border control;

Key performance indicators:

- Number of registered migrants and asylum seekers accommodated in the reception/asylum centres.
- Number of refugees and migrants having access to medical and health services.
- Number of refugee and migrant children receiving formal and non-formal educational services.
- Number of referral/social protection services provided for UASC.

(2) Assumption and conditions

The Government partners will continue to offer professional, reliable and dedicated support in the reception facilities. The Ministry of Health remains committed to coordinating an effective Government response to migration flows in the area of health. The Commissariat for Refugees and Migration, Asylum Office, Department for Foreigners, Centres for accommodation of UASCs and Centres for social work will continue to offer professional, reliable and dedicated support in the reception facilities. The intervention will require enhanced humanitarian relief co-ordination by the Commissariat for Refugees and Migration with other government and non-state stakeholders operating in the reception facilities, including international organisations and NGOs.

(3) Implementation modalities:

(3)(a) Indirect management with the International Organisation for Migration (IOM) under **Component 3:**

A part of this action may be implemented in indirect management with the International Organisation for Migration. This implementation entails operational and technical support to the institutions at several levels, as presented indicatively:

- Support to SCRM for the maintenance and infrastructural improvements of accommodation facilities with appropriate living conditions and protection measures for migrants and asylum seekers in the reception/asylum centres, through refurbishment as well as the provision of furniture and additional equipment as needed. Also, provision of necessary non-food items (NFI) for migrants and asylum seekers has been envisaged.
- Continued support to SCRM monitoring mechanisms, information management and planning capacity in the reception/asylum centres ensured.
- Support the MoESTD in ensuring access to quality education to migrant and refugee children in Serbia in the municipalities where centres for migrants are located through their inclusion in mainstream education, provision of quality non-formal education programmes and; support to relevant national institutions to coordinate educational activities and services.
- Support the MoLEVSA in reconstruction, refurbishment and provision of additional equipment for centres accommodating UASC, as well as engagement of additional qualified social protection professionals and support staff needed to ensure adequate

access and quality of services for unaccompanied minors, as well as their transportation from, to and between relevant institutions/services.

- AVRR - Action will also provide support for the humane and dignified return and reintegration of rejected asylum seekers and persons residing irregularly in Serbia, who wish to return voluntarily to their country of origin.
- Support the Ministry of Interior, Border Police Directorate, in order to dedicate the funds needed to bridge the presence of Border Guards (possible extension of their presence for 2-3 months) until the deployment of the European Border and Coast Guard Agency.

The envisaged entity has been selected using the following criteria: it has the mandate to support the Government in migration management policy implementation, which is essential for bringing the action on the ground quickly and to the highest professional standards. IOM has offices and sufficient administrative capacities in Serbia; it has the capacity to respond without delays and ensure business continuity in the provision of already provided services; it has a proven track record and expertise in migration management related programmes in Serbia; it has experience with all tasks that are required under the action and it has successfully completed the EU 'pillar assessment'.

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

In particular, IOM will sign separate agreements with the respective ministries of education, science and technological development and ministry of labour, employment, veteran and social affairs. IOM will carry out payments to the sub-grant beneficiaries in instalments, based on the actually incurred costs, as reported and proven by the corresponding supporting documents, in accordance with the EU rules.

(3)(b) Direct management (project approach)

Grants:

a) Purpose of the grants:

The direct grant under **Component 1** will achieve the following:

Provide adequate accommodation facilities, living conditions and services, including the provision of food, to effectively respond to the needs of migrants/refugees and asylum seekers, by strengthening the operational capacity of the authorities involved in the migration/refugee's crisis.

Main activities may include the following:

- Support for the running costs of reception and asylum centres accommodating migrants and asylum seekers. The direct grant will be used to support the Government in financing the operational costs relating to these facilities including: accommodation, electricity, heating, laundry, communal services, water and sanitation, in order to secure basic living conditions, secure hygiene of the centres and accommodation of migrants and asylum seekers (for approximately 4,500 migrants and asylum seekers). This component will also cover the provision of food to migrants and asylum seekers in government-run facilities ones ongoing support ends.

- Ensuring adequate staffing of government-run facilities for migrants and asylum seekers to ensure their proper management and functioning and to provide services to migrants and asylum seekers, such as information provision, identification of vulnerable cases, referral to competent institutions, hygiene, reception services, mother and baby corners, child friendly spaces, and translation for SCRM, for the Asylum office and Department for foreigners. This Action will cover the costs of accommodation and meals for staff for both SCRM and MoI. SCRM will also use these funds for fuel for vehicles used to transport staff to and from reception centres across the country as well as transportation costs related to ensuring school attendance, transfer of migrants/asylum seekers who are accommodated in reception asylum centres across the country, etc.
- SCRM may perform these activities through modalities of non-formal education with not condition of issuing certificates of completion. This non-formal education include trainings for basic information technology education, classes for Serbian or English language, trainings for some specific crafts, etc.

The direct grant under the **Component 2** will achieve the following:

Provide support for the provision of health care services to migrants in Serbia at medical centres in the public health system. The health care services include but are not limited to: laboratory and diagnostics, urgent care, treatment by specialists, hospitalisation, delivery, vaccination of infants and children in line with the immunisation schedule, ultrasound and other imaging diagnostics, gynaecological examinations, ambulance transportation, surgical treatment, rehabilitation, psychological support, dental health care, haemodialysis, drug, medication and provision of medical devices for disabilities, and services to protect public health such as disinfection, pest control and disinsection.

In addition, this Action will support the provision of basic medical services.

b) Direct grant award:

Under the responsibility of the Commission's authorising officer responsible, the grant under Component 1 may be awarded without a call for proposals to the Commissariat for Refugees and Migration.

The recourse to an award of a grant without a call for proposals is justified because the Commissariat is the only responsible specialised government agency to operate all reception facilities in Serbia, in accordance with the provisions of Article 195f FR.

The grant under Component 2 may be awarded without a call for proposals to the Ministry of Health of Serbia.

The recourse to an award of a grant without a call for proposals is justified because the Ministry of Health is responsible for health policies and services and is in charge of the Government response in this sector, in accordance with the provisions of Article 195f FR.

The **global** budgetary envelope reserved for grants: EUR 20,550,000; indicatively for component 1: EUR 17,900,000 and for component 2: EUR 2,650,000.

Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply. The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

3. BUDGET

3.1 INDICATIVE BUDGET TABLE – SPECIAL MEASURE ON STRENGTHENING THE RESPONSE CAPACITY OF THE REPUBLIC OF SERBIA TO MANAGE EFFECTIVELY MIXED MIGRATION FLOWS

		Indirect management		Direct management	Total EU contribution (EUR)	IPA-II beneficiary or other third party contribution (EUR)	Total (EUR)
		with IPA-II beneficiary	with entrusted entity				
		EU contribution (EUR)	EU contribution (EUR)	EU contribution (EUR)			
Objective 1	Sector 1 Rule of Law and Fundamental Rights						
	Action 1: "Strengthening the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows"		6,900,000.00	20,550,000.00	27,450,000.00		27,450,000.00
	TOTAL		6,900,000.00	20,550,000.00	27,450,000.00		27,450,000.00

4. 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 Indicative Strategy Paper.

In the specific context of indirect management by IPA II beneficiaries, National IPA Co-ordinators (NIPACs) will collect information on the performance of the actions and programmes (process, output and outcome indicators) and coordinate the collection and production of indicators coming from national sources.

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 the European Commission (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.

5. EVALUATION

Having regard to the nature of the action, a final evaluation(s) will be carried out for this action or its components via independent consultants contracted by the Commission.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that the measure is a recurrent support to alleviate an ongoing situation.

The Commission shall inform the implementing partner at least six months in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the IPA II beneficiary and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the IPA II beneficiary, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.