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ANNEX

to the Commission Implementing Decision on the financing of the individual measure to strengthen return management systems in the Western Balkans for 2024

Action Document

MEASURE

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and annual and multiannual action plans and measures in the sense of Article 9 of IPA III Regulation and Article 23(3) of NDICI - Global Europe Regulation.

1. SYNOPSIS

1.1. Action Summary Table

Title	Commission Implementing Decision on the financing of the individual measure to strengthen return management systems in the Western Balkans for 2024
OPSYS	OPSYS business reference: ACT-62475
ABAC	ABAC Commitment level 1 number: JAD.1399281
Basic Act	Financed under the Instrument for Pre-accession Assistance (IPA III)
Economic and Investment Plan (EIP)	No
EIP Flagship	No
Team Europe	No
Beneficiaries of the action	The action shall be carried out in the Western Balkans (Republic of Albania, Bosnia Herzegovina, Kosovo*, Montenegro, Republic of North Macedonia and Republic of Serbia)
Programming document	IPA III Programming Framework
PRIORITY AREAS AND SECTOR INFORMATION	
Window and thematic priority	Window 1: Rule of Law, Fundamental Rights and Democracy Thematic priority 4: Migration and Border Management (100%)

* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Sustainable Development Goals (SDGs)	Main SDG: SDG 16 Peace, Justice and Strong Institutions			
DAC code(s)	15190 – Facilitation of orderly, safe, regular and responsible migration and mobility (100%)			
Main Delivery Channel @	Other multilateral institution - 47000			
Targets	<input type="checkbox"/> Climate <input type="checkbox"/> Gender <input type="checkbox"/> Biodiversity			
Markers (from DAC form)	General policy objective @	Not targeted	Significant objective	Principal objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers @	Not targeted	Significant objective	Principal objective
	Biological diversity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Internal markers and Tags	Policy objectives	Not targeted	Significant objective
EIP		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EIP Flagship		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
Tags:		YES	NO	
Transport		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Energy		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Environment and climate resilience	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Digital	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

	Economic development (incl. private sector, trade and macroeconomic support)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Human Development (incl. human capital and youth)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Health resilience	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Migration and mobility	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Agriculture, food security and rural development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Rule of law, governance and Public Administration reform	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Digitalisation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Tags	YES	NO
	digital connectivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	digital governance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	digital entrepreneurship	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	digital skills/literacy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	digital services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Connectivity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Tags	YES	NO
	digital connectivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	education and research	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Migration @	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Reduction of Inequalities @	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	COVID-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BUDGET INFORMATION			
Amounts concerned	Budget line: 15.020101.01 Total estimated cost: EUR 13 000 000 Total amount of EU budget contribution EUR 13 000 000		
MANAGEMENT AND IMPLEMENTATION			
Implementation modalities (management mode and delivery methods)	Indirect management with the entities to be selected in accordance with the criteria set out in section 4.3.		

Final date for concluding contribution / delegation agreements, procurement and grant contracts.	At the latest by 31 December 2025
Indicative operational implementation period	72 months following the adoption of the Financing Decision

1.2. Summary of the Action

Supporting the capacities of the Western Balkans to effectively manage their borders, safeguard security, reduce cross-border crime and tackle irregular migration are key priorities given both the geographical location of the region vis-à-vis the European Union (EU), as well as the region's European perspective. In line with the 2023 Communication on EU Enlargement Policy¹, the EU Action Plan on the Western Balkans² and the IPA III Programming Framework³, this Action aims to contribute to further strengthening the capacities of the Western Balkan beneficiaries to operationalise returns management systems in line with EU standards.

This Action is designed to respond to the priority needs of the Western Balkan beneficiaries with regards to operationalisation of returns of irregular migrants, who have no legal grounds to remain. It focuses particularly on strengthening institutional systems and capacities to lead effective and rights-based return management operations, strengthen cooperation on return, readmission and reintegration, including with key Countries of Origin (CoO) and increase access of migrants to return and reintegration assistance and information before and after return.

The Action is an important component within the wider enlargement process and EU accession negotiations under Chapter 24 (Justice, Freedom and Security) of the EU *acquis* to support the development of effective migration management systems. It contributes to the enhancement of EU migration management assistance in the area of returns in line with the Pact on Migration and Asylum⁴, which recognises the importance of the Western Balkans for the EU's migration and asylum policy and that the cooperation with the region is already long-standing, tailor-made and comprehensive, and the EU strategy on voluntary return and reintegration.

Support will dovetail with both ongoing and planned IPA funded activities at both the beneficiary and regional level. By bringing in the Member States' expertise, the Action will help the Western Balkan partner countries to align with EU and international standards on migration and border management and will promote respect of the rule of law and fundamental rights of migrants.

1.3 Beneficiaries of the Action

The action shall be carried out in the Western Balkans region (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia).

¹ COM(2023) 690 final

² https://home-affairs.ec.europa.eu/eu-action-plan-western-balkans_en

³ https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-01/C_2021_8914_F1_ANNEX_EN_V5_P1_1462290.PDF

⁴ COM(2020) 609 final

2. RATIONALE

2.1. Context

Rule of law is a key benchmark against which progress of IPA III beneficiaries on their European path is assessed. Migration management, asylum and border management are all important elements of the broader rule of law, covered by Chapter 24 of the EU *acquis*. The IPA III Programming Framework Window 1 - Thematic Priority 4 - Migration and border management recognises the importance of enhancing IPA III beneficiaries' capacities in the area of migration management, asylum and border management. As such, these are central to the EU's engagement with the Western Balkans.

The management of mixed migratory movements in line with international obligations remains one of the key challenges for the Western Balkans. The challenges are inherently shaped by the region's geographical position along key migratory routes to the EU and its European perspective. Alongside an overall increase in irregular migratory flows, changing patterns in the Western Balkan routes demand constant vigilance in particular as regards the illegal activity of networks involved in migrant smuggling and trafficking in human beings and the protection of children (including unaccompanied) as well as other vulnerable groups of persons. There is progress on migration management capacities in the Western Balkans region. The implementation of the EU Action Plan on the Western Balkans to address increasing flows of irregular arrivals to the EU via the Western Balkan route has brought first results with, *inter alia*, a decrease of migratory pressure on the Western Balkans route in 2023. This was in particular due to an increased political, financial and operational engagement between the EU and the Western Balkan partners.

Moreover, the interdependence between the EU and the Western Balkans necessitates particularly close cooperation and coordination within the region and with the EU to ensure coherent approaches for their mutual benefit. In this context, there is a continued need to further align institutions and legislation in the Western Balkans with the EU and international standards and to strengthen systems and capacities to allow effective management of migration while ensuring international protection standards and human rights. The comprehensive approach to migration, outlined in the Pact on Migration and Asylum, includes building win-win partnerships with third countries including fostering better cooperation on readmission. The Pact frames cooperation on migration with third countries as an integral part of the EU's overall relations. This is supported by the EU Action Plan on the Western Balkans which underlines the EU's commitment to strengthen the operational capacities of the Western Balkan partners to carry out both voluntary and non-voluntary returns, including by supporting the development of adequate return facilities. Reinforcing EU engagement on security and migration in the Western Balkans is emphasised as a priority in the Council conclusions on enhancing cooperation with Western Balkans partners in the field of migration of 9 February 2023⁵.

The conclusions of the European Council on 15 December 2023 specifically referred to the challenges of migration in the context of enlargement, noting that: "*Aspiring members need to step up their reform efforts, notably in the area of rule of law, in line with the merit-based nature of the accession process and with the assistance of the EU...*"

*"The European Union will continue to pursue a comprehensive approach to migration which combines increased external action, mutually beneficial comprehensive partnerships with countries of origin and transit, addressing the root causes of migration, opportunities for legal migration, more effective protection of EU external borders, resolutely fighting organised crime, trafficking in human beings and migrant smuggling, instrumentalisation of migration as a hybrid threat and stepping up returns."*⁶

The Action will build on and complement bilateral IPA and regional assistance, in particular the on-going IPA 2021 EU regional support to protection-sensitive migration management systems in the Western Balkans –

⁵ <https://www.consilium.europa.eu/en/press/press-releases/2023/02/09/european-council-conclusions-9-february-2023/>

⁶ <https://www.consilium.europa.eu/en/press/press-releases/2023/12/15/european-council-conclusions-14-and-15-december-2023/>

PHASE III (2022-2025), which includes support to enhancing sustainable return management systems in the region implemented by the European Border and Coastguard Agency (Frontex) and the International Organisation for Migration (IOM). The Action will complement the work of Frontex in the region, in particular the implementation of current status agreements and working arrangements and will coordinate as much as possible with other ongoing actions in the region implemented by Member States.

2.2. Problem Analysis

AREA OF SUPPORT 1: Strengthening institutional systems and capacities to lead effective and rights-based returns.

Short problem analysis

Establishing an effective system for returns is a central pillar of well-functioning and credible migration management, including the asylum system. To be effective, such a system must consist of stronger structures through a reinforced legal and operational framework for swift and fair return procedures that respect all fundamental rights in compliance with the Charter of Fundamental Rights of the EU, and in particular the principle of *non-refoulement*, and strengthened governance at national level.

In light of the high number of irregular arrivals to the EU via the Western Balkan route in particular in 2022, a key challenge is ensuring those that are not in need of international or temporary protection or who do not have a right to stay in the region can be safely and effectively returned to their countries of origin. So far, return of third country nationals to their Countries of Origin (CoO) constitutes a major challenge for the Western Balkan partners given a number of institutional and operational limitations, and the number of those that actually return to their country of origin from the region remains very low. For instance, between 2020 and 2022, less than 4% of returns were implemented out of the total return decisions issued. To promote voluntary returns to their full potential, some aspects of current legal frameworks will need to be improved and implemented. Experience shows that the sooner an irregular migrant returns, the higher the likelihood that the return is accepted by the migrant if it is carried out in the context of a fair and effective procedure and the person receives accurate and complete information. However, absconding during the voluntary departure period remains a significant issue, which further hampers returns. Fast and fair common procedures and rules on asylum and return, together with better support for voluntary return can increase the uptake of voluntary returns at early stages of the return process.

Despite significant efforts and the gradual development of national ownership and responsibility in recent years, institutions in the Western Balkan partners responsible for migration management still encounter challenges when it comes to executing return decisions and conducting effective return operations to countries of origin while adhering to internationally recognised standards, safeguards, and practices. The statistical information currently available does not provide a complete picture on the use of voluntary and forced return and reintegration in the Western Balkan partners as they lack capacities on data management and reporting on return and readmission given often inconsistent migrant registration and data management processes. Further support is required to provide the necessary skills, tools and knowledge on migrant registration, establishing identity and cultural mediation to improve data collection and subsequently facilitate return and readmission operations. In this context, the Western Balkans require support to structure and implement effective and rights-based return, readmission and reintegration systems, build capacities for effective return operations and align practices to EU and international standards.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action.

The action will mainly target relevant migration authorities in the Western Balkans, primarily personnel handling returns operations. Central authorities will be engaged in developing cooperation frameworks with key CoOs. The ultimate target group of the action are migrants, those who do not have specific needs requiring temporary protection or the right to stay in the region and those wishing to return to their CoO.

AREA OF SUPPORT 2: Strengthening cooperation on returns, readmission and reintegration

Short problem analysis

A fundamental challenge faced by the region when it comes to increasing the number of returns is the lack of cooperation with CoO. Returns and readmissions are complex to operationalise and require extensive cooperation with CoO and countries of transit, both at the political and technical level. Six years after the start of the mixed migration response in the Western Balkan region, cooperation and coordination in return and readmission remains limited between the Western Balkan partners and main CoO, with only two readmission agreements signed across the region: between Bosnia and Herzegovina and Pakistan and Türkiye respectively. While dialogues on return and readmission cooperation have been initiated, other operational barriers are hindering effective return movements, including the lack of processing capacities at both ends, lengthy identity determination processes, incompatible return management systems and lack of adequate digital solutions to accelerate case management.

Moreover, a lack of readmission agreements and cooperation with relevant CoO, as well as the inadequate and slow processes for identification and issuance of travel documents by the CoO hinder progress in this area of migration management. Such lack of cooperation hinders in practice the implementation of returns. Authorities in the region thus lack legal mechanisms for non-voluntary returns of migrants in an irregular situation, thus prompting further irregular movements within the region or towards the EU. The Western Balkan partners need increased support to establish and maintain functional communication channels with international partners to effectively negotiate and establish rights-based and sustainable readmission mechanisms and/or agreements with key CoOs in order to conduct return operations.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action.

The action will mainly target relevant migration authorities in the Western Balkans, primarily personnel handling returns operations. Central authorities will be supported in developing cooperation frameworks with key CoOs. The ultimate target group of the action are migrants, those who do not have specific needs requiring temporary protection or the right to stay in the region and those wishing to return to their CoO.

AREA OF SUPPORT 3: Increasing access to return and reintegration information and assistance

Short problem analysis

In the implementation of a returns policy, it is important to consider the situation of the individuals concerned, enabling their return in a dignified manner and considering their reintegration prospects once they return to their country of origin. An effective and ambitious policy on reintegration as a key component of a system for returns can help overcome the socio-economic and psychosocial difficulties migrants face when returning to their community and make their return more sustainable. Such support should take into consideration the specific situation of certain groups, such as children (including unaccompanied) and other categories of vulnerable persons.

The Western Balkan partners lack the capacities to provide effective support mechanisms to migrants subject to return procedures from the decision-making to the reintegration process. The lack of coherent frameworks for return counselling and a mechanism to refer returnees to return and reintegration programmes (referrals) is an additional challenge. Effective return counselling is essential to strengthen the links between the pre-departure and post-arrival phases and to make a success of reintegration. To provide a high-quality service, return counsellors need specific training and access to up-to-date information on the assistance available to returnees and existing opportunities in the countries of return.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action.

The action will mainly target relevant migration authorities in the Western Balkans, primarily personnel handling returns operations. The ultimate target group of the action are migrants, those who do not have specific needs requiring temporary protection or the right to stay in the region and those wishing to return to their CoO.

2.3. Lessons Learned

The Action foresees reinforced support to building return management systems in the Western Balkans in addition to ongoing EU-funded (including actions financed by Member States) projects in the region. It is therefore important to consider lessons learned from ongoing and previous engagements. The main lessons learned which are reflected in the design of the action and its specific pillars include:

- Built-in coordination and consultations with EU Delegations, Commission services and EU agencies;
- Clearly defined and agreed methodology to ensure more efficient implementation, also relying on findings of Results Oriented Monitoring (ROM) reports where relevant;
- Consideration of existing support and actions financed both by the EU and other donors, avoiding duplications and ensuring complementarities, ensure sustainability for beneficiaries and policy coherence across actions and actors and ensure local ownership. Continuous coordination will take place to ensure complementarity with future support;
- Need to continue political engagement with the Western Balkan partners and CoO. This is particularly pertinent when working on returns as a high level of political engagement is required when it comes to fostering cooperation with CoO;
- Ongoing and previous projects have revealed that the authorities' capacities in each Western Balkans partner vary significantly. Some require more support to enhance their skills in certain areas, while others have very limited capacities. The upcoming action will reflect this in its design to ensure tailored supported to all the beneficiaries.

3. DESCRIPTION OF THE ACTION

3.1. Intervention Logic

The **Overall Objective (Impact)** of this action is to operationalise effective return management systems in the Western Balkans in line with EU standards.

The Specific Objective(s) (Outcomes) of this action are to:

1. Strengthen the Western Balkan authorities' institutional systems and capacities to conduct effective and rights-based return operations;
2. Strengthen cooperation on return, readmission and reintegration between the Western Balkan partners and countries of origin;
3. Increase access for migrants in the Western Balkans to pre- and post-return and reintegration information and assistance.

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

contributing to Outcome 1 (or Specific Objective 1)

- 1.1 capacities of the Western Balkan institutions to operationalise returns in line with international law and human rights standards are strengthened;

- 1.2 support is provided to establish and improve institutional return management systems in the Western Balkan partners;
- 1.3 support is provided to conduct return operations (both voluntary and non-voluntary) in line with international law and human rights standards.

contributing to Outcome 2 (or Specific Objective 2)

- 2.1 the number of formal and informal cooperation arrangements on return, readmission and reintegration are increased with countries of origin;
- 2.2 cooperation platforms within the Western Balkans and with the EU are leveraged to foster sharing of knowledge and expertise;
- 2.3 digital systems and tools are operationalised for effective return management, in coordination with relevant developments at EU level.

contributing to Outcome 3 (or Specific Objective 3)

- 3.1 support is provided to the Western Balkan partners to provide information on rights and safe return and sustainable reintegration options to migrants transiting through the Western Balkans;
- 3.2 support is provided to the Western Balkan partners to provide tailored pre-return assistance to migrants returning to their country of origin, including counselling and other forms of assistance.

The underlying intervention logic for this action is that if the Western Balkans' institutions are supported to operationalise returns in line with international law and human rights standards, and return management systems are established, they will have increased capacities to conduct effective and rights-based returns (outcome 1). If cooperation arrangements on return, readmission and reintegration are established with CoO, digital systems and tools are operationalised and cooperation platforms for knowledge sharing are established, the Western Balkan partners will have strengthened cooperation on return, readmission and reintegration with CoO (outcome 2). If the Western Balkans have increased capacities to provide information, assistance and pre- and post-return counselling, an increased number of migrants will benefit from such assistance (outcome 3).

3.2. Indicative Activities

Activities related to Output 1.1:

- Development of technical capacities to organise return flights including through development of IT tools;
- Delivery of training on rights-based approaches to returns, vulnerability screenings, needs assessments and cultural mediation;
- Development of return monitoring mechanisms to ensure returns are conducted in respect of fundamental rights;
- Capacity development in return data collection and reporting;
- Provision of specialised equipment.

Activities related to Output 1.2:

- Development of institutional return systems;
- Provision of expertise including through deployment of returns expert(s) in the region;
- Capacity building and trainings.

Activities related to Output 1.3:

- Direct support to Western Balkan partners to conduct both voluntary and non-voluntary returns in line with international law and human rights standards (including *inter alia* provision of tickets, return monitors, counselling etc.).

Activities related to Output 2.1:

- Maintenance of existing and development of new country working groups between the Western Balkan partners and CoO;
- Conduct of outward and inward identification missions to CoO;
- Development of cooperation channels with CoO through technical meetings, capacity building and assistance to strengthen outreach initiatives.

Activities related to Output 2.2:

- Further strengthening of established regional initiatives to foster cooperation and knowledge exchange.

Activities related to Output 2.3:

- Establishment of electronic return case management systems with CoO.

Activities related to Output 3.1:

- Provision of information to migrants on rights and safe return and reintegration;
- Capacity building of relevant Western Balkan authorities to provide information on rights and safe return.

Activities related to Output 3.2:

- Capacity building of relevant Western Balkan authorities to provide pre- and post-return counselling;
- Provision of pre-return counselling in the Western Balkans and post-return counselling in the countries of origin to migrants.

3.3. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

This action does not pursue specific objectives as regards the environment and climate change. Environmental protection and climate change shall however be actively mainstreamed throughout this Action. In procuring equipment, it will be ensured, as far as possible, that environmentally friendly equipment, that causes as little harm and discrepancy to the environment and nature where it will be used, will be prioritised. It will also be assured that new equipment is more energy efficient, produces less waste material and uses less resources to operate.

Gender equality and empowerment of women and girls

As per OECD (Organisation for Economic Cooperation and Development) Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that gender equality is not a specific objective of the programme.

In the migration context, women and minors are particularly vulnerable. This will be fully considered throughout the support provided through this action. The strengthening of border and migration management, including identification and registration of migrants, returns and detention will improve capacities of relevant officials to detect and identify victims of trafficking in human beings and ensure these vulnerable groups, who are often women and minors, are referred to the relevant services and have their protection needs met.

Throughout the implementation of the action, equal participation of women will be a priority and gender perspectives will be integrated as a cross-cutting priority. The action will work with partners to ensure a balanced representation of women and men among action beneficiaries to the greatest extent possible (e.g., the action will not propose or accept single-gender workshops, panels, etc.). At project levels, gender specific indicators will be developed, and all quantitative project data will be disaggregated by gender. In particular

with regard to provision of pre- and post-return assistance and counselling, gender perspective will be considered, and support will be adapted the specific needs of women.

Human Rights

The Action will ensure that human rights are respected at all times, at all steps of the return process and that activities follow a human rights-based approach. Fostering the respect for human rights, particularly in their intersection with migration considerations, is of central importance to the Action and its outputs.

Migrants and asylum seekers will receive the information they need to be able to apply for asylum or other protection entitled to them under international law and return policies respect the EU Charter of Fundamental Rights, EU law and international standards, notably the principle of *non-refoulement*. The capacity-building and support offered through this Action will further equip the institutions to manage returns in a way that is grounded in the respect for human rights, in accordance with EU and international standards.

Disability

As per OECD-DAC Disability markers identified in section 1.1, this action is labelled as D0. Nevertheless, considerations aimed at increasing the inclusion of persons with disabilities will be mainstreamed across all relevant activities, coherently with the rights-based approach of the action.

3.4. Risks and Assumptions

Category	Risks	Likelihood (High/Medium/Low)	Impact (High/Medium/Low)	Mitigating measures
Planning, processes and systems	Risk 1: Equipment procured will not be properly maintained following end of the Action.	Medium	High	All procurement activities should be accompanied by necessary capacity building, as well as service contracts to ensure proper maintenance of equipment. All procurement of equipment will be preceded by a thorough assessment of specific needs to ensure against duplication.
People and organisation	Risk 2: Fundamental rights of migrants seeking international protection are not fully respected	Medium	High	The Action will at all times support the targeted Western Balkan beneficiaries to ensure the highest fundamental rights standards of treatment of migrants in line with international and EU standards. Activities will be closely coordinated with ongoing regional support programmes and implementation will be followed on the ground by EU Delegations/Office and other third parties such as IOM and UNHCR. Necessary capacity-building will ensure sustainability of results. Political/policy dialogues between the EU and the Western Balkan partners will also address issues of non-respect of such rights.

People and the organisation	Risk 3: Lack of institutional knowledge, management and capacity skills, exacerbated by high turnover of personnel	Medium	High	Develop clear capacity-building plan with beneficiary.
External environment	Risk 4: Increase in migration flows	Medium	High	Maintain a flexible approach to be able to adapt to the evolving needs and sustained close contact and coordination with officials.
People and organisation	Risk 5: Returns are not conducted in line with EU standards	Medium	High	Support to conducting returns to countries of origin will be closely coordinated with ongoing capacity-building programmes in the area of returns to ensure the full respect of fundamental and human rights. Conduct of return operations will be closely monitored.
External environment	Risk 6: Returns cannot be conducted due to a lack of cooperation with countries of origin	High	High	Capacity-building support will be provided to developing formal or informal readmission agreements/cooperation agreements with countries of origin to facilitate return operations

External Assumptions

- Relevant staff continue to regularly use new equipment, IT tools, instruments, knowledge and skills in everyday operations;
- Relevant authorities involved in the action dispose of the needed resources (human, administrative, technical, and financial);
- Interest and commitment of the stakeholders is maintained, adapted and developed throughout the evolution of the political context;
- Ownership of beneficiaries is respected in implementation;

3.5. Indicative Logical Framework Matrix

Results	Results chain: Main expected results	Indicators	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
Impact	Effective return management systems are operationalised in the Western Balkans in line with EU standards.	Number of Western Balkan partners with an improved and operational return system in line with EU standards.	1 (2023)	6 (2027)	Commission reports/assessments Beneficiary reports Implementing partner reporting	<i>Not applicable</i>
Outcome 1	The Western Balkan authorities' institutional systems and capacities to conduct effective and rights-based return operations are strengthened.	Extent to which participating Western Balkan authorities reported improvements in managing effective and rights-based comprehensive return management.	To a limited extent (2023)	To a moderate extent (2027)	Commission reports/assessments Beneficiary reports Implementing partner reporting	No further deterioration of the migration situation in the Western Balkans Beneficiaries are committed to increase capacity in management of returns. Ownership of beneficiaries is respected in implementation. Fair and functioning asylum systems underpin return capacities
Outcome 2	Cooperation on return, readmission and reintegration between the Western Balkan partners and countries of origin is strengthened.	Number of Western Balkan authorities reporting enhanced cooperation arrangements with CoOs on return,	1 (2023)	6 (2027)	Commission reports/assessments Beneficiary reports	No further deterioration of the migration situation in the Western Balkans Beneficiaries are committed to increase

		readmission and reintegration			Implementing partner reporting	<p>capacity in management of returns.</p> <p>Ownership of beneficiaries is respected in implementation.</p> <p>Cooperation initiated with CoO maintained by authorities.</p> <p>CoO willing to engage in negotiations on readmission and returns.</p>
Outcome 3	Access for migrants in the Western Balkans to pre- and post-return return and reintegration information and assistance is increased.	Number of Western Balkan authorities reporting established mechanisms for return and reintegration information and assistance	1 (2023)	6 (2027)	<p>Commission reports/assessments</p> <p>Beneficiary reports</p> <p>Implementing partner reporting</p>	<p>No further deterioration of the migration situation in the Western Balkans</p> <p>Beneficiaries are committed to increase capacity in management of returns.</p> <p>Ownership of beneficiaries is respected in implementation.</p>
Output 1.1 related to Outcome 1	1.1 Capacities of the Western Balkan institutions to operationalise returns in line with international law and human rights standards are strengthened	Number of Western Balkan authorities implementing new tools and specialised equipment to support return and readmission operations	0 (2023)	6 (2027)	<p>Commission reports/assessments</p> <p>Beneficiary reports</p>	<p>No further deterioration of the migration situation in the Western Balkans.</p> <p>Beneficiaries are committed to increase capacity in management of returns.</p>

					Implementing partner reporting	Ownership of beneficiaries is respected in implementation.
Output 1.2 related Outcome 1	to 1.2 Support is provided to establish and improve institutional return management systems in the Western Balkan partners	Number of National Operational Plans developed	0 (2023)	4 (2027)	Commission reports/assessments Beneficiary reports Implementing partner reporting	No further deterioration of the migration situation in the Western Balkans. Beneficiaries are committed to increase capacity in management of returns/ Ownership of beneficiaries is respected in implementation.
Output 1.3 related Outcome 1	to 1.3 Support is provided to conduct return operations (both voluntary and non-voluntary) in line with international law and human rights standards	Number of non-voluntary return operations from the Western Balkan partners to CoO conducted	To be determined (2023)	To be determined during inception stage (2027)	Commission reports/assessments Beneficiary reports Implementing partner reporting	Cooperation initiated with CoO maintained by authorities. Necessary ownership and commitment by authorities to adopt and apply international standardised procedures for AVRRs and non-voluntary returns. Necessary staff and other resources are in place
Output 2.1 related Outcome 2	to 2.1 The number of formal and informal cooperation arrangements on return, readmission and reintegration are increased with countries of origin	Number of formal and informal cooperation arrangements on return, readmission and reintegration	8 (2023)	17 (2027)	Commission reports/assessments Beneficiary reports	Ownership of beneficiaries is respected in implementation.

					Implementing partner reporting	Cooperation initiated with CoO maintained by authorities. CoO willing to engage in negotiations on readmission and returns.
Output related Outcome 2	2.2 to 2.2 Cooperation platforms within the Western Balkans and with the EU are leveraged to foster sharing of knowledge and expertise.	Extent to which cooperation platforms are leveraged to foster sharing of knowledge and expertise on return, readmission and reintegration	To a limited extent (2023)	To a good extent (2027)	Commission reports/assessments Beneficiary reports Implementing partner reporting	Beneficiaries are committed to increase capacity in management of returns. Necessary staff and other resources are in place.
Output related Outcome 2	2.3 to 2.3 Digital systems and tools are operationalised for effective return management.	Number of digital systems and tools operationalised	3 (2023)	7 (2027)	Commission reports/assessments Beneficiary reports Implementing partner reporting	Beneficiaries are committed to increase capacity in management of returns. Necessary staff and other resources are in place.
Output related Outcome 3	3.1 to 3.1 Support is provided to the Western Balkan partners to provide information on rights and safe return and sustainable reintegration options to migrants transiting through the Western Balkans	Number of migrants reached through information sessions on returns	20 000 (2023)	54 000 (2027)	Commission reports/assessments Beneficiary reports	Beneficiaries are committed to increase capacity in management of returns. Necessary staff and other resources are in place.

					Implementing partner reporting	
Output related to Outcome 3	3.2 Support is provided to the Western Balkan partners to provide tailored pre-return assistance to migrants returning to their country of origin, including counselling and other forms of assistance	Number of migrants benefitting from pre-return assistance	0 (2024)	To be determined during inception stage (2027)	Commission reports/assessments Beneficiary reports Implementing partner reporting	

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement with the IPA III beneficiaries.

4.2. Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 48 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

4.3. Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures.

4.3.1. Indirect Management with a pillar-assessed entity

A part of this action may be implemented in indirect management with a pillar assessed entity, which will be selected by the Commission's services using the following criteria: adequate operational and administrative capacity to implement the action, proven migration and border management expertise, presence in the region as well as significant previous experience in the implementation of similar assistance, in particular returns-related assistance.

The implementation by this entity entails undertaking all necessary actions, including through direct implementation of activities, and conducting implementation tasks (procurement and grants award procedures as relevant), to achieve outputs 1, 2, and 3 of the action.

A part of this action may be implemented in indirect management by a Member State pillar-assessed entity or a consortium thereof, which will be determined by the Commission services using the above-mentioned criteria.

4.3.2 Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances

If the implementation modality under indirect management as defined in section 4.3 cannot be implemented due to circumstances beyond the control of the Commission, the modality of implementation by grants under direct management would be used according to the following section 4.3.1.

(a) Purpose of the grant(s)

Implement the Action in accordance with the outputs under 3.1.

(b) Justification of a direct grant

Under the responsibility of the Commission’s authorising officer responsible, the grant may be awarded without a call for proposals to a non- pillar- assessed entity apt to implement the action selected using the criteria mentioned under 4.3.1. Under the responsibility of the Commission authorising officer the recourse to an award of a grant without a call for proposals is justified based on Article 195 (f), namely for activities with specific characteristics that require a particular type of body on account of its technical competence, its high degree of specialisation or its administrative powers, on condition that the activities concerned do not fall within the scope of a call for proposals. In particular, the activities outlined above regarding support to operationalising both voluntary and non-voluntary returns, supporting political engagement with countries of origin and providing pre- and post-return assistance. This procedure will only be used in case no pillar assessed entity apt to implement the action is found. A direct grant may then be awarded to a non-pillar assessed entity that successfully fulfils the criteria mentioned under 4.3.

4.4 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, subject to the following provisions.

The Commission’s authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

4.5 Indicative Budget

Indicative Budget components	EU contribution (amount in EUR)
Methods of implementation – cf. section 4.4	
Indirect management with pillar-assessed international organisation – cf. section 4.3.1	EUR 13 000 000
Evaluation – cf. section 5.2 Audit – cf. section 5.3	Will be covered by another Decision
Strategic Communication and Public Diplomacy – cf. section 6	Will be covered by another Decision
Totals	EUR 13 000 000

4.6 Organisational Set-up and Responsibilities

The Action will be managed from European Commission Headquarters (DG NEAR) and closely coordinated with the relevant EU Delegation/Office in each Western Balkan beneficiary. In designing and implementing activities related to specific procurement activities and Outcomes to be addressed by this Action, the implementing Agency/Organisation will closely co-ordinate with relevant counterparts and the Commission to ensure alignment with EU policy goals and the relevant EU acquis under Chapter 24 - Justice, Freedom and Security. Close consultation will be ensured with DG HOME.

A Steering Committee and/or other governance structure involving the Commission (both DG NEAR and DG HOME), EU Delegations and EU Office, beneficiary counterparts and the Action implementing partners will

be set up to ensure overall management support and strategic guidance to the Action. Relevant EU agencies, and in particular Frontex and the European Union Agency for Asylum, will also be invited to attend steering meetings and coordinate activities accordingly. This will enable the Commission to provide a political steer to the activities under the programme and discuss the latest trends and challenges. The Steering Committee will advise on major programmatic decisions, ensure appropriate circulation of information and harmonisation of best practices, and assess risks to individual activities within the cycle of the Action. The active participation of governmental partners in planning, implementation, evaluation and monitoring of activities will be a critical element, in order to ensure that activities reflect the needs and priorities on the ground, and to enhance sustainability of results. Each project will participate in relevant beneficiary-level coordination mechanisms as well as any IPA coordination meetings organised by the EU Delegation/Office.

In addition to the Steering Committee, stakeholders are encouraged to communicate transparently with each other as regards sensitive operational provisions and to ensure the smooth transfer of return and readmission procedures from the Western Balkan region into reintegration assistance measures in the country of origin.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

4.7 Pre-conditions

Effective and timely implementation of the action is not dependent on any legal or institutional changes or any pre-conditions. The Commission reserves the right to take appropriate measures, including by re-directing activities in consultation with implementing partners, if it assesses that necessary accompanying measures by beneficiaries are not in place. The assessment of the Commission will rely on reporting by implementing partners, monitoring of the action and dialogue with beneficiaries.

The Commission considers that voluntary and forced returns are both key elements of an effective return policy, although the Commission gives preference to voluntary returns where possible (see Commission Communication on the EU strategy on voluntary returns and reintegration of 27.4.2021 COM(2021) 120 final).

Forced returns, of persons not in need of international protection, financed through EU funds should be conducted in accordance with the EU's values, notably as regards the treatment of refugees and migrants. Persons subject to forced returns should receive fair treatment in full compliance with international human rights and refugee protection standards at any time of the process and have been afforded sufficient opportunity beforehand to have their claim for asylum assessed in accordance with applicable rules of the country concerned and internationally recognised standards (including international customary law) by which they are bound.

A functioning fair and effective asylum system is essential alongside return capacities. The necessary ownership and commitment by authorities to adopt and apply international standardised procedures for assisted voluntary returns and non-voluntary returns is essential. The return process must include safeguards to ensure respect for the principle of *non-refoulement*.

5. PERFORMANCE MEASUREMENT

4.8 Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this end, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annually) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of

achievement of its Outputs and contribution to the achievement of its Outcomes, and if possible, at the time of reporting, contribution to the achievement of its Impacts, as measured by corresponding indicators, using as a reference the logframe matrix.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Indicator values will be tracked on a country-by-country basis whenever relevant, while indicators intrinsically regional in nature will be tracked at an aggregated level.

Arrangements for monitoring and reporting, including roles and responsibilities for data collection, analysis and monitoring:

Contract execution will be monitored through regular reports (indicatively: inception, 6-monthly, final), with clearly identified results indicators linked to each output as well as updates on the overall logical framework. Regular meetings/video conferences between the Directorate-General for Neighbourhood and Enlargement Negotiations (Headquarters and EU Delegations/EU Office) and the implementing partners will further ensure that any issues are addressed in a timely manner so that results are achieved in due time. Additional tools include ad hoc and on-the-spot visits will ensure monitoring of progress and a Result Oriented Assessment will be undertaken approximately mid-term.

The implementing partners will establish an effective structure at the central and IPA III beneficiary level for collecting and consolidating the data that are gathered throughout based on the indicators of the results framework.

All monitoring and reporting shall assess how the action is considering the principle of gender equality, human rights-based approach, and rights of persons with disabilities including inclusion and diversity. Indicators shall be disaggregated at least by sex.

4.9 Evaluation

Having regard to the importance of the action, a mid-term evaluation will be carried out for this action or its components via implementing partners.

It will be carried out for problem solving, learning purposes, in particular with respect to that the action is contributing directly to achievement of the outcomes. In addition, as a number of the foreseen actions are follow-up actions, the evaluation will also be carried out to assess the sustainability of the efforts provided and impact.

The Commission shall form a Reference Group (RG) composed by representatives from the main stakeholders at both EU and national (representatives from the government, from civil society organisations (private sector, NGOs, etc.), etc.) levels. If deemed necessary, other donors will be invited to join. The Commission shall inform the implementing partner at least 1 month in advance of the dates envisaged for the evaluation exercise and 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 partner country and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing Decision.

4.10 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

6. STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

All entities implementing EU-funded external actions have the contractual obligation to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. To that end they must comply with the instructions given in the 2022 guidance document [*Communicating and raising EU visibility: Guidance for external actions*](#) (or any successor document).

This obligation will apply equally, regardless of whether the actions concerned are implemented by the Commission, the partner country, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU Member States. In each case, a reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and contribution agreements.

For the purpose of enhancing the visibility of the EU and its contribution to this action, the Commission may sign or enter into joint declarations or statements, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union. Visibility and communication measures should also promote transparency and accountability on the use of funds. Effectiveness of communication activities on awareness about the action and its objectives as well as on EU funding of the action should be measured.

Implementing partners shall keep the Commission and the EU Delegation/Office fully informed of the planning and implementation of specific visibility and communication activities before the implementation. Implementing partners will ensure adequate visibility of EU financing and will report on visibility and communication actions as well as the results of the overall action to the relevant monitoring committees.

7. SUSTAINABILITY

The Action has been designed to ensure the long-term sustainability of its results. The sustainability of results of this Action will be achieved through the increased effectiveness of Western Balkan authorities at all levels of the administration to adequately implement migration policies and to regularly use new equipment, IT tools, instruments, knowledge, and skills in everyday operations related to migration, and more specifically return management.

The sustainability of the equipment supplied directly or indirectly through the Action will be guaranteed through the existence of long-term maintenance and other ancillary contracts accompanying the purchasing and capacity-building within or in complement to the present Action. Coupling capacity building with modernisation of equipment will improve the efficiency of the border management systems as a whole and ensure sustainable results. Furthermore, where possible, the Action will seek to streamline best practices in line with EU and international standards into the everyday technical operation of the different areas of the beneficiaries' migration management systems. Any ICT development should respect the existing standards or needs for interoperability of IT systems. The necessary technical specifications shall be consulted with the relevant authorities and ensured before the launch of the tender.

Support to returns will closely dovetail with ongoing regional programmes to ensure persons subject to return have access to necessary legal information, counselling, and voluntary return assistance. When possible, activities should be coordinated with relevant NDICI-GE programmes in countries of origin to support long-term sustainable reintegration of returnees. The long-term sustainability of results should be ensured by

capacity-building initiatives and integrating relevant mechanisms and tools into everyday operations. Comprehensive policy dialogue should be maintained at all times between the Commission, EU Delegations and implementing partners to ensure strong political will to maintain equipment, infrastructure and training initiatives.

Appendix 1: IDENTIFICATION OF THE PRIMARY INTERVENTION LEVEL FOR REPORTING IN OPSYS

A Primary intervention (project/programme) is a coherent set of results structured in a logical framework aiming at delivering development change or progress. Identifying the level of the primary intervention will allow for:

- ✓ Differentiating these Actions or Contracts from those that do not produce direct reportable development results, defined as support entities (i.e., audits, evaluations);
- ✓ Articulating Actions and/or Contracts according to an expected common chain of results and therefore allowing them to ensure a more efficient and aggregated monitoring and reporting of performance.
- ✓ Having a complete and exhaustive mapping of all results-bearing Actions and Contracts.

The present Action identifies as:

Action level (i.e., Budget support, Blending)		
<input checked="" type="checkbox"/>	Single action	Present action: all contracts in the present action