



EUROPEAN  
COMMISSION

Brussels, 7.10.2015  
C(2015) 6925 final

**COMMISSION IMPLEMENTING DECISION**

**of 7.10.2015**

**adopting a special measure on strengthening the response capacity of the most affected countries in the Western Balkans to cope effectively with increased mixed migration flows under the Instrument for Pre-Accession Assistance (IPA II) for the year 2015**

## COMMISSION IMPLEMENTING DECISION

of 7.10.2015

**adopting a special measure on strengthening the response capacity of the most affected countries in the Western Balkans to cope effectively with increased mixed migration flows under the Instrument for Pre-Accession Assistance (IPA II) for the year 2015**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures of the implementation of the Union's instruments for financing external action<sup>1</sup> and in particular Article 2(1) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup> and in particular Article 84(2) thereof,

Whereas:

- (1) Regulation (EU) No 231/2014<sup>3</sup> lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex I to that Regulation.
- (2) Regulation (EU) No 236/2014 lays down the rules and conditions for special measures under the Union's instruments for financing external action, including the Instrument for Pre-Accession Assistance (IPA II).
- (3) Since late spring 2015, over 200,000 migrants/refugees are estimated to have crossed the Western Balkans, the vast majority through the former Yugoslav Republic of Macedonia and the Republic of Serbia. The increased flows of migrants, mostly identifying themselves as refugees fleeing civil war in Syria, has exceeded the migration management capacity of the countries most affected and has had a significant impact on the local population in the most affected areas.
- (4) Considering the proposals submitted by the beneficiary countries mostly affected by the migration crisis in the Western Balkans and the results of the Commission services scoping mission carried out on 21-23 September 2015, this special measure aims at providing assistance in the sector of rule of law and fundamental rights.
- (5) In accordance with Article 2 of Regulation (EU) No 231/2014, the overall objective of the special measure is to increase the capacity of the most affected countries in the Western Balkans to effectively and efficiently respond to the migration crisis, thereby enhancing their ability to comprehensively implement their migration policy, including management of migration flows.

---

<sup>1</sup> OJ L 77, 15.03.2014, p. 95.

<sup>2</sup> OJ L 298, 26.10.2012, p.1.

<sup>3</sup> Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (OJ L 77, 15.03.2014, p. 11).

- (6) It is appropriate to authorise the award of grants without a call for proposals to the bodies identified in the Annex and for the reasons provided therein.
- (7) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.
- (8) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible.
- (9) The measures provided for in this Decision do not fall in the categories of measures for which the opinion of the Committee set up by Article 13 of Regulation (EU) No 231/2014 is required. The IPA II Committee should be informed of this Decision within one month following its adoption,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### *Adoption of the special measure*

The 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 under the Instrument for Pre-Accession Assistance (IPA II) as set out in the Annex, is hereby approved.

#### *Article 2*

##### *Financial contribution*

The maximum amount of the European Union contribution for the implementation of the special measure referred to in Article 1 is set at EUR 10 million and shall be financed from the budget line 22.020101 of the general budget of the EU for year 2015.

The financial contribution(s) referred to in the first sub-paragraph may also cover interest due for late payment.

#### *Article 3*

##### *Implementation modalities*

This programme shall be implemented by direct management.

#### *Article 4*

##### *Grants without a call for proposals*

Grants may be awarded without a call for proposals to the bodies identified in the Annex, in accordance with the conditions specified therein.

#### *Article 5*

##### *Non-substantial changes*

The following changes shall not be considered substantial provided that they do not significantly affect the nature and objectives of the actions:

- a) increases or decreases of not more than 20% of the maximum contribution set in the first paragraph of Article 2, and not exceeding EUR 10 million;
- b) cumulated reassignments of funds between specific actions not exceeding 20% of the maximum contribution set in the first paragraph of Article 2;
- c) extensions of the implementation and closure period;
- d) within the limits of 20% referred to in points (a) and (b) above, up to 5% of the contribution referred to in the first paragraph of Article 2 of this financing decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 7.10.2015

*For the Commission*  
*Johannes HAHN*  
*Member of the Commission*

## ANNEX 1

### 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

#### 1 IDENTIFICATION

<b>Beneficiary</b>	Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo*, Montenegro, the Republic of Serbia
<b>CRIS/ABAC Commitment references</b>	2015/38754
<b>Total cost</b>	EUR 10 million
<b>EU Contribution</b>	EUR 10 million
<b>Budget line</b>	22.020101
<b>Management mode/ Entrusted Entity</b>	Direct management by the European Commission
<b>Final date for contracting including the conclusion of delegation agreements</b>	at the latest by 31 December 2016
<b>Final date for operational implementation</b>	at the latest by 31 December 2019
<b>Programming Unit</b>	NEAR D5 – Western Balkans Regional Cooperation and Programmes
<b>Implementing Unit/ EU Delegation</b>	EU Delegations to Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, to Montenegro, to Serbia and the European Union Office to Kosovo

---

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

## **2 DESCRIPTION OF THE SPECIAL MEASURE**

### **2.1 PROBLEM ANALYSIS AND RATIONALE**

Since late spring 2015 increasingly large numbers of refugees and migrants, mostly claiming to be fleeing conflict in Syria, have been transiting through the Western Balkans on their path to selected European Union Member States. It is estimated that by 28 September around 370,000 people have arrived by sea in Greece in 2015 with a view to transit through the former Yugoslav Republic of Macedonia and Serbia, with very few applying for asylum in either country. Among the migrants are many families, including small children, pregnant women and the elderly who have additional protection needs. This large flow has had a direct impact on local communities especially in those areas close to border crossings.

Due to the unexpectedly rapid increase of migrant flows the countries of the Western Balkans most affected were not prepared to cope with the needs of the migrants and the wider effects of a sudden increase. Serbia and the former Yugoslav Republic of Macedonia, the most affected countries, utilised all available public resources with the aim of supporting refugees and migrants. Their efforts have been supported by volunteer contributions from the population and the support of relief agencies and international organisations.

At the moment the transit through Serbia and the former Yugoslav Republic of Macedonia is smooth with migrants entering and leaving the countries relatively quickly. However, there is a high risk that more effective controls at the Croatian/Serbian or Hungarian/Serbian borders or even the closure of the aforementioned and/or the Serbian southern borders may make the border crossings more difficult. Moreover, with the onset of winter travel will become more difficult. For these reasons there is a strong possibility of a rapid build-up in the number of refugees and migrants finding themselves stranded in the countries concerned and facing severe winter conditions. There is a need for the countries to prepare for this eventuality. This combination of circumstances satisfies the test of extreme urgency and therefore all components planned under this special measure will have to be implemented on a direct award basis.

The relevant government offices in Serbia and the former Yugoslav Republic of Macedonia are largely understaffed and do not have the necessary equipment and in parts lack the expertise to respond to the crisis and the potential challenges of the coming winter.

The Special Measure has therefore been designed to assist those countries in the Western Balkans mostly affected by the current migration flows by boosting their overall migration management capacity. While the focus will be placed on support to Serbia and the former Yugoslav Republic of Macedonia, in case of a shift in the migratory patterns, the assistance may also be used in part in Albania, Bosnia and Herzegovina, Kosovo and/or Montenegro.

The Special Measure is designed to respond to the most urgent risks identified complementing other EU support, in particular DG ECHO humanitarian support, and donor assistance. It is based on identified needs, in the case of Serbia coordinated by the Commissariat for Refugees and Migration and in the former Yugoslav Republic of Macedonia based on an Action Plan provided by the Crisis Management Centre. The needs have been verified through a scoping mission which took place on 21-23 September 2015 comprised of representatives from the relevant European Commission services (DG NEAR, DG HOME, DG ECHO, FPI) and the European External Action Service, as well as analyses undertaken by the concerned EU Delegations and conclusions drawn from reporting from international and non-governmental organisations.

This Special Measure is complementary to ECHO assistance.

## **2.2 PAST AND ONGOING SUPPORT**

The Special Measure is an integrated component within the wider enlargement process and Chapter 24 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 form of assistance thus far allocated and planned by the European Commission, other donors, the IPA II beneficiaries and the Civil Protection Mechanism activated by Serbia on 21 September 2015. It will particularly complement the humanitarian assistance provided by the EU since July 2015 to Serbia in form of an allocation of EUR 240 000 under a national IPA II envelope and additional EUR 240 000 under the Disaster Relief Emergency Fund (DREF) implemented by the Red Cross Serbia, as well as the EUR 1.5 million of humanitarian aid to be awarded by DG ECHO to the region shortly. The EU Delegations are in close contact with all bilateral donors and will ensure coordination and complementarity between the interventions under this Special Measure and support offered by others.

The Special Measure is directly linked to mid-and longer term support provided under national and regional IPA II programmes to enhance and strengthen the overall migration management systems in the region. This will include the EUR 8 million of the IPA 2014 regional programme on protection-sensitive migration management starting implementation in November 2015. For Serbia, EUR 8.2 million are under implementation or planned, on expanding existing accommodation capacities, engaging in a reform of the asylum system, and on further developing Serbia's border surveillance systems. For the former Yugoslav Republic of Macedonia, the Commission plans to provide EUR 12 million for a large scale migration management systems reform under IPA II 2016.

## **2.3 DESCRIPTION AND IMPLEMENTATION OF THE SPECIAL MEASURE**

The overall objective of the Special Measure is to improve the beneficiaries' migration management systems. The specific objective is to provide necessary funding and assistance to authorities at the national and local level to increase the operational capability of the most affected governments as regards the management of migration flows.

The Special Measure consists of one action and will be implemented in a three-fold approach, responding to same overall objective:

Component 1: to ensure and to expand the direct operational capacity of authorities to effectively respond to the needs of the refugees and migrants under their overall responsibility and within their experience and expertise;

Component 2: to provide the necessary equipment to involved authorities at the national and local level to be able to effectively carry out the necessary functions in response to the crisis and to increase their capacity in the longer term and,

Component 3: to strengthen the capacity of NGOs to support the government in areas where it does not have the expertise or capacity to deliver necessary services, while ensuring complementarity with immediate humanitarian assistance.

From the Special Measure amounting to EUR 10 million in total an indicative amount of EUR 7 million is foreseen in support of the Republic of Serbia and EUR 3 million for the support of the former Yugoslav Republic of Macedonia.

The planned interventions are based on the status quo of migration flows as of September 2015 and may require adaptation in case of shifting routes taken by refugees and migrants via Albania, Bosnia and Herzegovina, Kosovo or/and Montenegro.

<b>Component 1</b>	<b>Direct support to national and local authorities to increase operational capacity</b>	<b>Direct management</b>	<b>EUR 1.5 million</b>
--------------------	--	--------------------------	------------------------

**(1) Description, objective, expected result and key performance indicator**

The specific objective of this component is to strengthen the capacity of the Serbian Commissariat for Refugees and Migration as the specialised government agency responsible for operating the reception centres across the country and co-ordinating all services provided to refugees and migrants by other governmental and non-governmental bodies.

Expected results:

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

Key performance indicator:

Number of refugees and migrants receiving direct assistance and support from the Commissariat for Refugees and Migration in Serbia.

**(2) Assumption and conditions**

Given the experience thus far, it can be assumed that the Commissariat for Refugees and Migration 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 arrangement**

The Special Measure is implemented by direct management by the relevant EU Delegation.

**(4) Essential elements for direct management**

**Grant – Direct Grant Award**

- a. Objectives and foreseen results: see point 1.
- b. Justification for the use of an exception to calls for proposals:



Art 190 (1)(b) in exceptional and duly substantiated emergencies. The Commissariat for Refugees and Migration is the responsible specialised government agency to operate all reception facilities in Serbia. While many other organisations deliver humanitarian aid within the reception facilities, the Commissariat bears the overall responsibility for management, coordination and supervision of the centres. The need for strengthening the capacity of the Commissariat to deliver necessary services has become urgent due to the migration crisis.

Due to the urgency of the situation, a call for proposal is not considered a suitable mechanism.

c. Name of beneficiary and co-beneficiaries: The Commissariat for Refugees and Migration of the Republic of Serbia as the beneficiary and the Ministry of Interior, Ministry of Health, Ministry of Labour, Employment, Veteran and Social Affairs and the most affected municipalities as co-beneficiaries.

d. The essential selection criteria are financial and operational capacity to perform the necessary interventions by the applicants.

The essential award criteria are relevance, effectiveness and feasibility, sustainability and cost-effectiveness.

e. Indicative amount of the grant: EUR 1.5 million

f. Maximum rate of EU co-financing: The maximum possible rate of EU financing will be 100% of the total cost of the action. Full financing of the action is essential for the action to be carried out because of urgency and EU visibility reasons. The amounts foreseen are exclusively related to the additional activities linked to this exceptional migration crisis. It is therefore indispensable to ensure the necessary financial commitment by the EU in order to support the Commissariat, and more generally the Serbian Government in dealing with this situation.

g. indicative timetable: grant to be signed in Q4 2015

<b>Component 2</b>	<b>Direct support to national and local authorities by providing necessary equipment and supply</b>	<b>Direct management</b>	<b>EUR 5.5 million</b>
--------------------	---	--------------------------	------------------------

**(1) Description, objective, expected result and key performance indicator**

The specific objective of this component is to support the relevant government offices with equipment and supply to deliver the necessary services. Various line ministries and municipalities in Serbia and the former Yugoslav Republic of Macedonia are lacking sufficient technical resources to be able to effectively respond to the needs of the crisis. The lacking equipment and services are necessary, *inter alia*, for transportation of vulnerable migrants and government staff, mobile and secondary health care provision, waste management and garbage collection. The equipment will include, among others, vehicles, general and those specialised for medical and waste management, a portable field hospital, and other medical supplies, and basic necessary supply such as generators, gloves, flashlights and other.

Supply will be provided to different authorities in Serbia and the former Yugoslav Republic of Macedonia, including the ministries in charge of internal affairs, health, labour and social services, the Commissariat for Refugees and Migration in Serbia and the Crisis Management Center in the former Yugoslav Republic of Macedonia, and affected municipalities based on the needs identified. The indicative budget foreseen for Serbia is EUR 2.5 million and EUR 3 million for the former Yugoslav Republic of Macedonia.

Expected result:

Increased operational capability of the relevant public administrations to deliver necessary assistance to migrants.

Key performance indicators:

- a) Number of refugees and migrants having access to transportation services;
- b) Number of refugees and migrants having access to medical and health services;

**(2) Assumption and conditions**

The intervention requires immediate contracting in order to ensure timely delivery of necessary equipment and services in time for winter.

**(3) Implementation arrangement**

The Special Measure is implemented by direct management by the relevant EU Delegations.

**(4) Essential elements for direct management**

**Procurement:**

- a. the global budgetary envelope reserved for procurement: EUR 5.5 million
- b. the indicative number and type of contracts: at least five supply contracts and one service contract. The reasons of extreme urgency described under the heading 2.1. of this document, justify the conclusion of those contracts via negotiated procedure under the provisions of Articles 266 and 268 of the Rules of Application to the Financial Regulation.
- c. indicative time frame for launching the negotiated procedures is October 2015.

<b>Component 3</b>	<b>Support to government through non-governmental organisations</b>	<b>Direct management</b>	<b>EUR 3 million</b>
--------------------	---	--------------------------	----------------------

**(1) Description, objective, expected result and key performance indicator**

In the Western Balkans there is a need to strengthen the capacity of NGOs to assist the authorities in providing services to effectively manage the migration flows. In the case of Serbia the Commissariat of Refugees and Migration does not have the technical resources and capacity to deliver certain assistance, e.g. to refurbishment accommodation, including

carrying out repair of facilities to be used as shelters beyond mobile shelters provided through other sources, as well as to offer translation, transportation and other services;

Expected result:

Enhanced capacity of NGOs to support the government in the management of migration flows.

Key performance indicator:

Number of refugees and migrants assisted by NGOs.

**(2) Assumption and conditions**

The intervention will be provided under the assumption that the Commissariat for Refugees and Migration maintains its good level of cooperation with the engaged NGOs. The intervention will require a close co-ordination of all relevant stakeholders in order to ensure a system of complementary and synergetic response to the crisis.

**(3) Implementation arrangement**

The Special Measure is implemented by direct management by the relevant EU Delegation.

**(4) Essential elements for direct management**

**Grant – Direct Grant Awards (EUR 3 million)**

a. Objectives and foreseen results: see point 1.

b. Justification for the use of an exception to calls for proposals: Art 190 (1)(b) in exceptional and duly substantiated emergencies. The delivery of the outlined services is immediately needed in order to be able to respond swiftly and effectively to the needs arising from the large numbers of migrants entering and leaving Serbia on a daily basis.

Due to the urgency of the situation, a call for proposal is not considered a suitable mechanism and NGO's needed to be swiftly identified to support the Commissariat for Refugees and Migration in areas where the agency does not have the expertise and/or capacity itself to deliver necessary services. NGO capacity will be reinforced to refurbish and construct of accommodation facilities, and to provide other necessary services. All support requested is complementary to the immediate humanitarian assistance the Commission, through DG ECHO, the Commissariat for Refugees and Migration and other institutions at local or national level are already providing and it will contribute to build the capacities of civil society in providing services in the framework of migration flows management.

Three NGOs already active in the field have been identified to be given direct awards as they have the best potential to support the government. The identified NGO's are Arbeiter-Samariter-Bund (ASB), the Danish Refugees Council (DRC) and HELP.

These three organisations were contracted for the delivery of emergency assistance in the immediate aftermath of the 2014 floods and have proven to being effective in accomplishing their tasks.

The division of tasks among the NGO's will be largely geographical (north, central, south), with a certain degree of flexibility depending of the needs and the dynamics of the crisis situation allowing for quick adaptations in case migration routes may change.

In particular, the NGO's capacity will be increased in order to be in a position to perform the following core tasks:

- ASB will provide assistance to the refugee crisis in the north directly supporting refugees and the local communities at the following locations: Subotica, Kanjiza, Dimitrovgrad as well as Belgrade. Generally, ASB aims to improve, as much as possible, infrastructure and services at all locations in preparation to winter conditions.
- DRC will enhance the current response to the migration crisis in the south of the country through various components:
  - rehabilitating existing facilities in order to adequately accommodate refugees in need (shelter and wash interventions), contributing as well to maintenance running costs (utilities) and ensuring provision of services;
  - ensuring needed human resources to the Commissariat for Refugee and Migration and other national and local Institutions, namely translators and other needed staff.
- HELP will provide assistance to the refugee crisis mostly in central Serbia directly supporting refugees and local communities of Sid and Sombor. Other locations might be added in relation to the changes of the flow. The core activities will be providing adequate shelter and provision of sanitary conditions including provision of adequate water supplying and sewage system.

c. Name of beneficiaries: For Serbia, the NGOs ASB, DRC, and HELP.

d. The essential selection criteria are financial and operational capacity to perform the necessary interventions at very short notice.

The essential award criteria are relevance, effectiveness and feasibility, sustainability and cost-effectiveness.

e. Indicative amount of the grants: ASB (EUR 1 million), DRC (EUR 1 million), HELP (EUR 1 million).

f. Maximum rate of EU co-financing: The maximum possible rate of EU financing will be 100% of the total cost of the actions. Full financing of the actions is essential for the action to be carried out because of urgency and EU visibility reasons.

g. indicative timetable: All grant agreements are planned to be signed in Q4 2015.

### 3. BUDGET

#### 3.1 INDICATIVE BUDGET TABLE – SPECIAL MEASURE ON STRENGTHENING THE RESPONSE CAPACITY C WESTERN BALKANS TO COPE EFFECTIVELY WITH THE INCREASED MIGRATION FLOWS

	<b>Union contribution (Amount in million EUR)</b>	<b>Management mode</b>	<b>Contracting authority</b>
<b>Special Measure</b>  Strengthening the response capacity of the most affected countries in the Western Balkans to cope effectively with the increased mixed migration flows	<b>10.0</b>	Direct management	relevant EU delegation

From the Special Measure amounting to EUR 10 million in total an indicative amount of EUR 7 million is fore EUR 3 million for the support of the former Yugoslav Republic of Macedonia.

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

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

This programme shall be implemented by direct management by the European 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 European Commission may also use services and supplies under its Framework Contracts concluded following Part One of the Financial Regulation.

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

As part of its performance measurement framework, the European 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 European 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 activities.

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 Neighbourhood and Enlargement Negotiations 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.