

ANNEX

to the

COMMISSION IMPLEMENTING DECISION

amending Commission Implementing Decision C(2019)3189 on the adoption of a special measure on supporting Bosnia and Herzegovina in managing the migration flows for 2019

1. IDENTIFICATION

| | |
|---|--|
| Beneficiary | Bosnia and Herzegovina |
| Basic act: CRIS/ABAC Commitment references and budget line: | Instrument for Pre-accession Assistance (IPA-II) 2019/42095 22.020101 |
| Total cost: EU Contribution: | EU 23 000 000 EU 23 000 000 |
| Method of implementation | Indirect management with : International Organisation for Migration (IOM) |
| Final date for contracting, including the conclusion of delegation/contribution agreements | at the latest by 31 December 2020 |
| Indicative operational implementation period | Thirty-six months from the adoption of this Financing Decision. |

2. DESCRIPTION OF THE SPECIAL MEASURE

2.1 SECTORS SELECTED UNDER THIS SPECIAL MEASURE

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

Support to asylum, migration and integrated border management is foreseen in the Indicative Strategy Paper (ISP) for Bosnia and Herzegovina 2014-2020 under the Instrument for Pre-Accession Assistance II (IPA II), within the Rule of Law and Fundamental Rights sector.¹

There were over 34,422 detected refugee and migrant arrivals to Bosnia and Herzegovina (BiH) since January 2018. The majority arrived in an irregular manner over land from Serbia and from Montenegro. The composition of the migration flows is mixed, with top declared countries of origin being Pakistan, Bangladesh, Syria, Iran, Iraq and Afghanistan. Of the 24,067 persons of concern (PoC)² detected in 2018, 22,130 (92%) expressed an intention to seek asylum, receiving an attestation that allows their regular permanence in the country for up to two weeks, while only 1,567 chose and were able to apply for asylum with the Sector for Asylum. As of February 2019, there are 4,127 persons of concern assisted. Out of this number 1,034 represents family members. As weather conditions are improving, and as the new sub-route through Bosnia and Herzegovina is becoming more established, it is likely that the proportion of families, elderly, women and children will continue to increase.

Refugees, asylum seekers and migrants transiting and present in Bosnia and Herzegovina are exposed to a number of vulnerabilities and protection risks, including food deprivation, exhaustion, and health issues – often due to poor hygienic conditions, exposure to bad weather, and the hardships of their journey. In informal settlements, these vulnerabilities are exacerbated further by sub-standard and crowded living conditions and overcrowding, with no separation between vulnerable individuals and the general migrant and refugee population; lack of basic water, sanitation and hygiene (WASH) facilities and separate sanitary services etc. These precarious conditions increase the health risks (including psychosocial needs), in particular for those in disadvantaged situation such as women and girls, unaccompanied and separated children (UASC), Lesbian, Gay, Bi-sexual, Transgender and Intersex (LGBTI) persons, persons with disabilities, elderly, etc. The recent and recurrent security tensions showed that the situation may lead to cases of inter-community tension, violence, abuse, exploitation and thefts; this may also facilitate the activities of criminal networks such as human traffickers and migrant smugglers. It is therefore paramount to provide protection-sensitive accommodation and ensure protection mainstreaming in all sectors of the response.

It is estimated that there are around 8,000 refugees, asylum seekers and migrants present in Bosnia and Herzegovina, mainly located in the Una-Sana Canton (Bihać and Velika Kladuša)

¹ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180817-revised-indicative-strategy-paper-2014-2020-for-bosnia-and-herzegovina.pdf>

² Persons of concern (PoC) include single men, families with children, women (including pregnant and lactating women), unaccompanied minors and minors with disabilities

and in Sarajevo. A few hundred asylum seekers are hosted in government-run facilities, where they have access to food and basic services.

In the aforementioned context, a first special measure was approved in August 2018 for the purpose of establishment of accommodation capacities as well as ensuring appropriate access to rights for refugees, asylum seekers and migrants including through provision of accommodation, food, medical assistance, security and similar. The funding request was based on the Emergency Measures Action Plan adopted by the Council of Ministers of Bosnia and Herzegovina on 15 May 2018, describing measures, goals, implementing body, and financial resources needed under both the domestic budget and external donors' funding.

Considering the continuous increased number of arrivals and the foreseen influx over the spring and summer but also prolonged duration of stay in the country, an additional special measure was urgently needed to avoid any interruption as regards the provision of necessary emergency assistance and protection to the persons of concern present in Bosnia and Herzegovina.

The action will build on the results of the previous special measure. Support will still be provided to cover basic needs as regards accommodation and food. In addition there is a need to further improve protection standards and living condition in the newly opened Temporary Reception Centres, expand water, sanitation and hygiene (WASH) capacities to serve a higher number of persons of concern than originally planned for, and to ensure that procedures and systems are in place to further enhance the access to protection, assistance and social protection services, including health care, psycho-social support and education for school-aged children.

Currently almost all the reception centres are used at their full capacity. Due to the lack of accommodation capacities (only 4,200 beds available throughout the country) and the restrictive measures imposed by the authorities in Bosnia and Herzegovina, the number of PoC outside the emergency collective centres is increasing and amounts to nearly half of the caseload present in Bosnia and Herzegovina. While the humanitarian actors are providing an emergency outreach assistance, a mid-term solution is needed to stabilise the situation with a view of gradually handing-over the response to the authorities.

Consequently, there is an urgent need to establish additional suitable reception centres respecting the international Sphere standards³, not only to deal with the currently increased figures, but also to ensure the needed support in case the flow of migrants will become more stable. Creation of new reception facilities for the most vulnerable ones, including children and families, is a matter of priority. The humanitarian and security situation in the Una-Sana Canton has increasingly deteriorated in the recent weeks following the restrictions imposed by the authorities, including limiting migrants' freedom of movement or forcible transfers of migrants to a new location called Vučjak as well as refusing new arrivals to be accommodated in the existing reception centres and strengthening of border control activities of the Croatian authorities, which resulted in reduced transit and increase of the PoC in Bosnia and Herzegovina. The new location Vučjak has been deemed unsuitable by the European Union and the humanitarian community partners. Such venue, without the necessary infrastructure in terms of water, sanitation or electricity, surrounded by minefields, creates a clear danger for the life and health of migrants. Furthermore, the land is located on a former landfill and may still be toxic. Persons of concern present in Vučjak should be offered an alternative shelter solution respecting humanitarian standards and their dignity.

³ The Sphere Standards is an initiative by a number of NGOs to define and uphold the standards by which the global disaster community responds to natural disasters through a set of guidelines contained in the "Humanitarian Charter and Minimum Standards in Disaster Response".

This special measure is in line with the October 2015 Council Conclusions on migration and the European Agenda on Migration⁴, the 8 October 2015 Declaration of the High-level conference on the Eastern Mediterranean/Western Balkans route⁵. This special measure also takes into account the relevant migration-related considerations stemming from the strategy *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans* (the Western Balkans Strategy) of 2 February 2018⁶ and in particular its Flagship Initiative II on security and migration; the Commission's report on Bosnia and Herzegovina and its recommendations adopted on 17 April 2018⁷; the outcomes of the EU-Western Balkans summit in Sofia of 17 May 2018⁸ as well as the Commission Opinion on Bosnia and Herzegovina's EU membership application and Analytical Report of 29 May 2019.⁹

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

A first special measure of EUR 7.2 million was approved in August 2018 to respond to the immediate needs in Bosnia and Herzegovina and complements the humanitarian aid of EUR 2 million for Bosnia and Herzegovina announced by the Commission on 7 June 2018. The humanitarian funding continues to cover health and protection assistance as well as outreach to those out of the reception facilities (EUR 1.8 million allocated in 2019).

The action started in September 2018 and is focused primarily on providing food and accommodation (including refurbishment and reconstruction of the temporary reception centres) to over 2700 refugees and migrants, including access to water sanitation, hygiene and access to social services, through the coordination and management of four temporary reception centres in Una Sana and one in Sarajevo Canton.

Support is also being provided to improve the capacity for identification, registration and referral of third-country nationals crossing the border and to strengthen the capacity for border control and surveillance. The first special measure was planned until end of April 2019 providing support to about 2700 migrants and refugees. Considering the increased number of arrivals (around 8 000 refugees, asylum seekers and migrants are currently present in Bosnia and Herzegovina) and the prolonged stay in the country, another special measure is needed to guarantee a continuity in terms of assistance and services provided.

Prior to the increased migratory flows to Bosnia and Herzegovina in the first half of 2018, the EU had already invested, since 2007, EUR 24.6 million to support Bosnia and Herzegovina on migration and border management. This covered technical assistance to effectively manage migration and asylum (EUR 4 million), the provision of equipment (EUR 3.5 million), the construction of a reception facility for irregular migrants in East Sarajevo (EUR 1 million), the construction of the Asylum Centre in Delijaš, Trnovo (EUR 0.8 million), border police infrastructure rehabilitation and capacity building (EUR 6.3 million), as well as additional EUR 2.3 million for equipment to the border police, including video surveillance of border crossings. At the end of 2017, additional funds were allocated to improve the border control information system and the border crossing infrastructure (EUR 4.5 million), as well as

⁴ <http://www.consilium.europa.eu/en/press/press-releases/2016/10/20/european-council-conclusions-migration/>

⁵ <http://www.consilium.europa.eu/en/press/press-releases/2015/10/08/western-balkans-route-conference-declaration/>

⁶ https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf

⁷ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-bosnia-and-herzegovina-report.pdf>

⁸ http://www.consilium.europa.eu/media/34776/sofia-declaration_en.pdf

⁹ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-opinion.pdf>;
<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-analytical-report.pdf>

upgrade the Migration Information System related to the biometric data of foreigners (EUR 2.5 million).

The Council of Europe Development Bank (CEB), through the '*Emergency Response to the Migrant and Refugee Situation in Bosnia and Herzegovina through Targeted Shelter Interventions in Sarajevo*' supported the government's effort in establishing a new reception centre in the area of Sarajevo (Ušivak barracks near Hadžići). The Commission is coordinating closely with CEB to ensure complementarity of support in the area of accommodation.

Since January 2016, Bosnia and Herzegovina benefits also from a regional programme under the Instrument for Pre-Accession Assistance II, on 'Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey'. The main aim of the programme, implemented jointly by the European Border and Coast Guard Agency (EBCGA), the European Asylum Support Office (EASO), IOM and the United Nations High Commissioner for Refugees (UNHCR), is to support the target countries in developing a protection-sensitive response to mixed migration flows while aligning with EU policies and international standards. The total amount is EUR 8 million.

Under this programme the National Steering Committee of 28 June 2019 has discussed the reinforcement of some of the project activities to target capacity building of Bosnia and Herzegovina authorities in managing the current migration situation on the basis of the needs assessed under the "Emergency Measures Action Plan", focusing on provision of interpreters and cultural mediators, by establishing four mobile teams for registration and referral of refugees, asylum seekers and migrants as well as provide some biometric data and urgent IT equipment.

The second phase of the project 'Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey' will start on 1 July 2019 and will last 2 years.

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

List of Actions foreseen under the selected Sectors/Priorities:

| Sector/Priority/Action | Direct management | Indirect management | |
|--|-------------------|-----------------------|-------------------------|
| | | With entrusted entity | With IPA II beneficiary |
| Rule of Law and Fundamental Rights | | | |
| special measure on supporting Bosnia and Herzegovina in managing the migration flows | | EUR 23 000 000 | |

2.2 DESCRIPTION AND IMPLEMENTATION OF THE SPECIAL MEASURE

The envisaged assistance to Bosnia and Herzegovina is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU¹⁰.

| | | | |
|--|---|--|-----------------------|
| SECTOR – Rule of Law and Fundamental Rights | Special measure on supporting Bosnia and Herzegovina in managing the migration flows | | EUR 23 000 000 |
|--|---|--|-----------------------|

(1) Description of the special measure, objective, expected results and key performance indicators

The **overall objective** of this special measure is to support Bosnia and Herzegovina in managing mixed migration flows in the context of increased number of refugees, asylum-seekers and migrants entering the country since the end of 2017.

The **specific objectives** are to support Bosnia and Herzegovina in improving the capacity for identification, registration and referral of third-country nationals crossing the border, providing adequate and protection-sensitive accommodation and basic services for refugees, asylum seekers and migrants (addressing the special needs of vulnerable groups of persons, children and unaccompanied minors), as well as strengthening capacity for border control and surveillance, thereby also contributing to the fight against and prevention of migrant smuggling, trafficking in human beings and other types of cross-border crime.

Expected results:

1. Adequate and protection-sensitive accommodation for refugees, asylum-seekers and migrants, in particular in the areas near Sarajevo and in Una-Sana Canton, and continued provision of food, basic services such water, sanitation and hygiene (WASH).
2. Improved access to primary and secondary healthcare (including psychosocial support);
3. Improved access to educations and social services for the population of concern,
4. Improved access to protection by enhancing capacity for identification, timely registration, direct assistance and referral to services for refugees, asylum-seekers and migrants as well as support for assisted voluntary return;
5. Strengthened capacity of the Bosnia and Herzegovina Border Police and the Service for Foreigners' Affairs (SFA) of the Ministry of Security in border control and surveillance, irregular migrant detection, identification, registration and referral capacity;
6. Increased support to local host communities.

¹⁰ www.sanctionsmap.eu Please note that 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.

Key performance indicators:

- Number and percentage of third-country nationals identified and registered, through the use of biometric data;
- Number asylum requests filed and processed;
- Number of vulnerable persons assisted;
- Number of beneficiaries provided with appropriate shelter, non-food items, health, protection and water, sanitation and hygiene (WASH);
- Number of refugees, asylum seekers and migrants having access to sufficient food and nutrition, including adequate nutrition for children below 2 years of age;
- Number of children have access to school/education;
- Number of temporary reception centres (TRCs) with sufficient numbers of toilets, showers and adequate laundry capacity for the planned number of PoC;
- Number of reception centres supported with security staff;
- Number of irregular border crossings detected along the green border;
- Number of fraudulent identification and travel documents detected;
- Number of migrants benefiting from assisted voluntary return;
- Number of outreach activities carried out by Una Sana Canton Police;
- Number of life-saving activities to PoC attempting to cross the border with Croatia, carried out by the Civil Protection Units in Una Sana Canton.

(2) Assumptions and conditions

- The Bosnia and Herzegovina authorities at all levels of government will ensure effective coordination in managing the migration situation.
- The Bosnia and Herzegovina authorities will ensure the required human resources for identification and registration of refugees, asylum-seekers and migrants, as well as for border checks and patrolling.
- The Bosnia and Herzegovina authorities will allocate adequate location/premises for accommodation of refugees, asylum-seekers and migrants in line with EU requirements.
- The security situation will remain calm, without major security risks.
- Arrival trends will remain stable and there will be no major influx of refugees and migrants to the country.
- The entrusted entity and its partners will ensure effective coordination.

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

(3) Implementation modalities:

This special measure will be implemented through a contribution agreement with the International Organisation for Migration (IOM).

(3)(a) Indirect management with the International Organisation for Migration (IOM)

This measure may be implemented in indirect management with the International Organisation for Migration (IOM). The IOM shall be responsible for carrying out all the tasks relating to the implementation of the special measure. In particular, the IOM shall be responsible for the contracting, implementation, information and visibility, monitoring and reporting of activities and the evaluation thereof whenever relevant, in accordance with the principle of sound financial management, and for ensuring the legality and regularity of the expenditure incurred in the implementation of the special measure. In implementation of this special measure, the IOM will also ensure coordination with the EU, the domestic authorities as well as with other donors. Part of the activities might be sub-contracted to other implementing partners, such as the UNHCR, Danish Refugee Council (DRC), United Nations Children's Fund (UNICEF), United Nations Population Fund (UNFPA).

The envisaged entity has been selected using the following criteria:

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

(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.

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 SUPPORTING BOSNIA AND HERZEGOVINA IN MANAGING THE 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 | 01 – Rule of Law and Fundamental Rights | | | | | | |
| | Action 1 Special measure on supporting Bosnia and Herzegovina in managing the migration flows | | 23 000 000 | | 23 000 000 | | 23 000 000 |

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.

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

The financing of the evaluation shall be covered by another financing decision.

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

The Commission shall inform the implementing partner at least 30 days 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.