

ANNEX

Commission Implementing Decision adopting a special measure on supporting Bosnia and Herzegovina in managing the migration flows

1. IDENTIFICATION

Beneficiary	Bosnia and Herzegovina
CRIS/ABAC Commitment references	2018/041545
Total cost	EUR 7 217 168
EU Contribution	EUR 7 217 168
Budget line	22.020101
Management mode/ Entrusted Entity	Indirect management by the entrusted entity listed below: <i>International Organisation for Migration (IOM)</i>
Final date for contracting including the conclusion of contribution agreements	At the latest by 31 December 2019
Final date for operational implementation	At the latest by 31 December 2022
Programming Unit	DG NEAR D4 - Albania, Bosnia and Herzegovina
Implementing Unit/ EU Delegation	EU Delegation to Bosnia and Herzegovina

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.

Since the end of 2017, Bosnia and Herzegovina has seen a significant increase in the number of refugees, asylum seekers and migrants entering the country at its southeast border with Montenegro, and at different border-crossing points with Serbia. The total number of arrivals in 2018 amounts to around 7 000 as of mid-July 2018. While earlier in the year over 90 % of arrivals were single men, the proportion has been changing and in May 2018 over 50 % of arrivals were families, women (including pregnant and lactating women) and children (including unaccompanied minors and minors with disabilities). As weather conditions are improving, and as the new so-called coastal sub-route through Albania, Montenegro and Bosnia and Herzegovina is becoming more established, it is likely that the proportion of families, elderly, women and children will continue to increase.

Migratory flows are mixed, including persons with international protection needs. Between January and May 2018, 86 % of arriving individuals expressed an intention to seek asylum, receiving an attestation that allows their regular permanence in the country for up to two weeks. Of these, only 8 % had filed a request for asylum. The majority of refugees, asylum seekers and migrants see Bosnia and Herzegovina as a transit rather than destination country and have temporarily settled in various places in the country, especially in the vicinity of the Croatian border.

Refugees, asylum seekers and migrants transiting and present in Bosnia and Herzegovina expose a number of vulnerabilities, 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 living conditions and crowded informal settlements, 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 migrant children (USMC), Lesbian, Gay, Bi-sexual, Transgender and Intersex (LGBTI) persons, persons with disabilities, elderly persons, etc. If not properly managed, the situation may provide fertile ground for inter-community tension, violence, abuse, exploitation and thefts; this may also intensify the activities of criminal networks such as human traffickers and migrant smugglers.

It is estimated that there are around 3 000 refugees, asylum seekers and migrants present in Bosnia and Herzegovina, mainly located in Sarajevo and in the Una Sana Canton (Bihac and Velika Kladaša). A few hundred asylum seekers are hosted in government-run facilities, where they have access to food and basic services. Given the insufficient capacity of these structures, international organisations, including the International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), non-governmental organisations (NGOs) and volunteer groups have temporarily filled the gap, providing shelter, food and assistance, especially to the most vulnerable. However, the large majority of individuals transiting the country sleep in locations that are not suitable and with limited sanitation, pose risks of communicable disease. With the number of arrivals and the prolonged duration of presence in the country, access to food, WASH, and emergency shelter

is becoming increasingly problematic. International organisations, NGOs and volunteers are running out of resources, and there is an urgent need for a more sustainable and structured response to the situation.

In May 2018, the Council of Ministers of Bosnia and Herzegovina established the Migration Coordination Team functioning as an operative headquarters for the coordination of all activities concerning responses to the increased migrant arrivals. Authorities decided to open new temporary migrant settlements/sites.

In the aforementioned context, this special measure has been requested by the National IPA Coordinator (NIPAC) of Bosnia and Herzegovina to the Commission on 28 May 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.

The special measure is urgently needed given the aforementioned numbers of refugees, asylum seekers and migrants and refugees in Bosnia and Herzegovina and other Western Balkans countries, and the approaching winter season, which requires establishment of winterised accommodation facilities.

This special measure is in line with the October 2015 Council Conclusions on migration and the European Agenda on Migration¹, the 8 October 2015 Declaration of the High-level conference on the Eastern Mediterranean/Western Balkans route², as well as the Leaders' Statement published on 25 October 2015³ after the Leaders' Meeting on the refugee flows along the Western Balkans route. 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 2018⁴ and in particular its Flagship Initiative II on security and migration; the Commissions' report on Bosnia and Herzegovina and its recommendations adopted on 17 April 2018⁵; as well as the outcomes of the EU-Western Balkans summit in Sofia of 17 May 2018⁶.

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

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 guard infrastructure rehabilitation and capacity building (EUR 6.3 million), as well as additional EUR 2 million (tender under preparation) for equipment to the border police, including video

¹ <http://www.consilium.europa.eu/en/press/press-releases/2016/10/20/european-council-conclusions-migration/>

² <http://www.consilium.europa.eu/en/press/press-releases/2015/10/08/western-balkans-route-conference-declaration/>

³ http://europa.eu/rapid/press-release_IP-15-5904_en.htm

⁴ https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf

⁵ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-bosnia-and-herzegovina-report.pdf>

⁶ http://www.consilium.europa.eu/media/34776/sofia-declaration_en.pdf

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

This special measure responds to the immediate needs in Bosnia and Herzegovina and complements the humanitarian aid of EUR 1.5 million for Bosnia and Herzegovina decided by the Commission on 7 June 2018⁷. This support constitutes “Phase 1” of EU support as emergency humanitarian response to the aforementioned developments in Bosnia and Herzegovina, while this special measure will constitute “Phase 2”.

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'* will support the government's effort in establishing a new reception centre in the area of Sarajevo to host up to 400 persons. 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 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 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.

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.

⁷ http://europa.eu/rapid/press-release_IP-18-4062_en.htm

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 TFEU.

SECTOR – Rule of Law and Fundamental Rights	Special measure on supporting Bosnia and Herzegovina in managing the migration flows	Indirect management with an International Organisation	EUR 7 217 168
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(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 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 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. Improved capacity for identification, registration and referral of refugees, asylum-seekers and migrants, as well as immediate assistance to vulnerable persons, including children and unaccompanied minors;
2. 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 basic services such as food, healthcare (including psychosocial care), sanitation, protection etc. as well as support for assisted voluntary return;
3. Strengthened capacity of Bosnia and Herzegovina Border Police for border control and surveillance.

Key performance indicators:

- Number and percentage of third-country nationals identified and registered, through the use of biometric data;
- 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 irregular border crossings detected along the green border;
- Number of fraudulent identification and travel documents detected.

- Number of migrants benefiting from assisted voluntary return

(2) Assumptions and conditions

Assumptions

- 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 allocate adequate location/premises for accommodation of refugees, asylum-seekers and migrants in line with EU requirements.
- The Bosnia and Herzegovina authorities at all levels will ensure effective coordination in managing the migration situation.

(3) Implementation arrangements for the special measure:

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

(3)(a) Entity entrusted with budget implementation tasks

The International Organisation for Migration (IOM) is considered the most appropriate partner as it meets all below selection criteria, essential for bringing the special measure on the ground quickly and to the highest professional standards:

- It has offices and sufficient administrative capacities in Bosnia and Herzegovina and in other Western Balkan countries.
- It has the capacity to respond quickly.
- It has a proven track record and expertise in border management related programmes in Bosnia and Herzegovina, as well as in other Western Balkan countries.
- It has experience with all tasks that are required under the special measure: logistical support, procurement, managing large and complex operations.
- It has successfully completed the EU 'pillar assessment'.

(3)(b) Short description of the tasks entrusted to the entity

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 and/or the European Border and Coast Guard Agency.

4. BUDGET

4.1. INDICATIVE BUDGET TABLE – SPECIAL MEASURE ON SUPPORTING BOSNIA AND HERZEGOVINA IN MANAGING THE MIGRATION FLOWS

		EU Contribution	IPA II beneficiary Co-financing	Total expenditure	Management mode
Objective 1	Sector – Rule of Law and Fundamental Rights				
	Special measure on supporting Bosnia and Herzegovina in managing the migration flows	7 217 168	-	7 217 168	Indirect management
	TOTAL	7 217 168	-	7 217 168	

5. IMPLEMENTATION MODALITIES AND GENERAL RULES FOR PROCUREMENT AND GRANT AWARD PROCEDURES

INDIRECT MANAGEMENT:

This special measure shall be implemented by indirect management with IOM in accordance with Article 62(1)(c) of the Financial Regulation.

The general rules for procurement and grant award procedures shall be defined in the relevant contribution agreement between the Commission and IOM.

6. 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 the special measure, 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 Delegation to Bosnia and Herzegovina; d) joint monitoring by the Commission (Directorate-General for 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, which will ensure a monitoring process at sector level.