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ANNEX

to the

COMMISSION IMPLEMENTING DECISION

amending Commission Implementing Decision C(2020)3630 of 04.06.2020 adopting a special measure in favour of Bosnia and Herzegovina for 2020

Action: "Support to Bosnia and Herzegovina in managing the migration flows for 2020"

1. IDENTIFICATION

Beneficiary	Bosnia and Herzegovina
Basic act: CRIS/ABAC Commitment references and budget line: Total cost: EU Contribution:	Instrument for Pre-accession Assistance (IPA-II) 2020/042-501 EU 45 000 000 EU 45 000 000
Method of implementation	Indirect management with : International Organization for Migration (IOM) and with other entities to be selected in accordance with the criteria set out in section 2.2 (3)(a)
Final date for contracting, including the conclusion of delegation/contribution agreements	at the latest by 31 December 2021
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.

In 2019, over 29,196 detected refugee and migrant arrivals to Bosnia and Herzegovina have been reported, compared to 24,067 for 2018 and 755 in the whole of 2017. In 2020, there were 14,031 new arrivals until mid-October. The majority arrived in an irregular manner over land from Serbia and from Montenegro.

From January 2018 until present, top declared countries of origin of arriving persons were Pakistan, Afghanistan, Iran, Syrian Arab Republic and Iraq while in 2019, top declared countries of origin were Pakistan, Afghanistan, Iraq and Bangladesh. Of the 29,196 persons of concern (PoC)¹ detected in 2019, (95%) expressed an intention to seek asylum, receiving an attestation that allows their regular permanence in the country for up to two weeks, while only 785 chose and were able to apply for asylum with the Sector for Asylum. In 2020, the top five declared countries of origin of arrivals were Afghanistan, Pakistan, Bangladesh, Morocco. Only 212 asylum claims were registered by the Ministry of Security.

Despite repeated and high-level EU advocacy, the country authorities have not ensured a comprehensive response, including in terms of coordination among domestic competent bodies, of effective management of reception capacities, and of functioning of the asylum system. The refugees, asylum seekers and migrants transiting and present in Bosnia and Herzegovina therefore still rely primarily on the support given by the international community. People of concern are exposed to a number of 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 living conditions and overcrowding, 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 health (including psychosocial needs) and security risks, 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. but also conflicts among different migrant communities. Intense policy dialogue is ongoing at all level with the country's institutions and since January 2020, an EU-funded senior expert has been deployed at the Ministry of Security to support coordination on migration management among the country authorities.

There are currently around 10,000 refugees, asylum seekers and migrants present in Bosnia and Herzegovina. Out of these, around 6,500 refugees, asylum seekers and migrants are accommodated in 6 EU-funded temporary reception centres and one emergency tent facility for COVID-19 prevention in the Una-Sana Canton. As part of the COVID-19 response, the

¹ Persons of concern (PoC) include single men, families with children, women (including pregnant and lactating women), unaccompanied minors and minors with disabilities)

above-mentioned temporary emergency tent facility in Lipa (Bihac) was established as preventive measures for up to 1,000 non-accommodated refugees and migrants, to reduce their vulnerability to the pandemic. This facility is however not suitable for winter and it should therefore be closed.

The Una-Sana cantonal authorities have illegally closed down the Bira reception centre in Bihac (with a capacity of 1,500 places) at the beginning of October 2020 and threaten to close down as well the Miral reception centre in Velika Kladusa, hosting some 700 PoCs.

As regards the composition of the migrant population present in the country, 72% are single men, 21% family with children and 7% unaccompanied or separated children. It is estimated that around 3,500 persons, including families with young children and unaccompanied minors, are sleeping rough in worrisome conditions, without access to water and sanitation, proper shelter and basic necessities. Facilities remain insufficient to ensure shelter and protection to all persons in need and, therefore, the humanitarian partners are not able to refer those identified in outreach locations to proper accommodation. With the upcoming winter, and against the background of a deteriorating COVID-19 situation, a humanitarian emergency whose situation is already at this stage very concerning, risks unfolding in Bosnia and Herzegovina. In view of the coming winter, Bosnia and Herzegovina authorities need to fully use the existing accommodation capacities, including the Bira reception centre, and urgently find suitable accommodation for the refugees and migrants hosted in Lipa and as well as for those who are currently without a proper shelter. The authorities should also allow the full and unconditional implementation of outreach activities, which, especially in the winter period, may be lifesaving.

The authorities should also identify additional public-owned buildings as reception centres to increase the overall accommodation capacity in the country.

With the proposed amendment, the Commission will ensure the continued support for emergency assistance and protection of refugees, asylum seekers and migrants present in Bosnia and Herzegovina since the current IPA-II Special Measure will cover activities only until November 2020. Complementary funds from DG ECHO and IcSP – which have been activated – are limited. Funds under IPA III are likely to become available only in late 2021. Ending the financing of reception centres in the country would endanger the lives of people and bear strong reputational risks for the EU. It will also increase domestic security risks, overall instability and migratory pressure on the EU border.

Despite continued EU advocacy and extensive assistance, the authorities have not ensured yet a comprehensive response, in terms of coordination among domestic competent bodies, of effective management of reception capacities, and of functioning of the asylum system. The refugees, asylum seekers and migrants transiting and present in Bosnia and Herzegovina still rely primarily on the support provided given by the EU and implementing partners.

Therefore, there is an urgent need to ensure additional resources to support the authorities with the management of migration flows, avert a humanitarian crisis, provide security for the migrants for the upcoming winter and generally contribute to the country's overall stability

These funds may be quickly operationalised via a grant to IOM, which is already managing the EU-funded reception centres in cooperation with international and humanitarian partners in the country. As noted in the Communication on Support to the Western Balkans in tackling COVID-19 and the post-pandemic recovery², the pandemic, in addition to its immediate human impact, is having a disruptive effect on the economies of the region and on people's lives, including affecting the common efforts related to migration. As set out in the Joint

² COM(2020) 315 final

Communication on the Global EU response to COVID-19³, the focus of EU support will be on the most vulnerable people, including migrants, refugees, internally displaced persons and their host communities.

In Bosnia and Herzegovina, there is an urgent need to continue providing humanitarian assistance and implement preventive measures related to COVID-19 for refugees and migrants staying inside and outside reception centres with a focus on the most vulnerable ones (families and unaccompanied minors) and in the best interest of the child.

In addition, a limited part of the funds could be used for the purchase of materials and items needed for COVID-19 preparedness response.

- 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, the EU had already provided, from 2007 to 2014, EUR 24 300 000 to support Bosnia and Herzegovina on migration and border management. This covered technical assistance to effectively manage migration and asylum (EUR 4 000 000), the provision of equipment (EUR 3 200 000), the construction of a reception facility for irregular migrants in East Sarajevo (EUR 1 000 000), the construction of the Asylum Centre in Delijaš, Trnovo (EUR 800 000), border guard infrastructure rehabilitation and capacity building (EUR 6 300 000).

Moreover, in 2015 and in 2017 additional funds were allocated for the establishment of video surveillance system at international border crossings in Bosnia and Herzegovina (EUR 1,500 000); the provision of automatic licence plate recognition system at external border points (EUR 745 000); the improvement of border control information system and the border crossing infrastructure (EUR 4 500 000); and the upgrade of the Migration Information System related to the biometric data of foreigners (EUR 2 500 000).

In the coming period, under IPA 2018, it is foreseen to provide EUR 3500 000 to establish an automated fingerprint and palm print identification system (this falls under Home Affairs and migration) and under IPA 2020, EUR 4 000 000 to enhance border management.

In response to the increase in persons of concern in need of humanitarian assistance and protection, a first special measure of EUR 7 200 000 was approved in August 2018 to respond to the immediate needs and complemented the humanitarian aid of EUR 2 000 000 from DG ECHO for Bosnia and Herzegovina decided by the Commission on 7 June 2018.

The action started in September 2018 and run until April 2019. It was focused primarily on providing basic food and accommodation to over 2,700 refugees and migrants, including access to water sanitation, hygiene and access to social services, through the establishment and management of four temporary reception centres in the Una-Sana Canton (Bira, Borići, Miral, Sedra) and one in the Sarajevo Canton (Ušivak).

The action also focused on the protection and assistance to persons of concern, particularly those in vulnerable situations, including access to asylum, and education for school-age children; while identification, referral and protection assistance to persons of concern and access to primary and secondary health care were covered under Commission humanitarian funding. Support was also provided to strengthening capacity for border control and surveillance, and locally identified and driven initiatives were supported to promote social cohesion among persons of concern and host communities in the Una-Sana and Sarajevo Cantons.

³ JOIN(2020) 11 final

The first special measure was planned to provide support to about 2,700 migrants and refugees. Considering the increased number of arrivals (around 5,000 refugees, asylum seekers and migrants) and their prolonged stay in the country, a second special measure of EUR 13 000 000 was approved in order to guarantee continuity in terms of assistance and services.

The second Special Measure started in April 2019 and ended in January 2020. It was designed to provide assistance to up to 5,000 persons of concern residing in state-managed facilities and in the newly-established temporary reception centres, while health, protection and outreach assistance was provided through under EU humanitarian funding (DG ECHO). The Action further supported the Ministry of Security, namely the Border Police, the Service for Foreigners affairs and the sector for Asylum, in strengthening their capacity for migration management, asylum, and border control and surveillance.

In August 2019, an additional EUR 10 000 000 of aid was approved in order to assist the increasing number of persons of concern remaining outside the temporary reception centres, with the aim to identify and set up additional suitable reception facilities. The additional funds allowed the extension of all activities until the end of March 2020.

Following the identification of a new site by the country authorities, the action supported the establishment of an additional temporary reception centre in Blažuj (Sarajevo Canton) with a total capacity of up to 1,400 persons. Works to ensure adequate reception conditions on site, supported by the German Civil Protection (THW) were finalised by end of January 2020 (except for increase of electricity power). In addition, since January 2020, an EU-funded senior expert has been deployed at the Ministry of Security to support coordination on migration management among the country authorities.

An additional Special Measure was approved in June 2020 for a total amount of EUR 20 000 000. The EU is currently supporting the five temporary reception centres and one temporary emergency tent facility – with an overall capacity of around 5 500 places – to ensure accommodation and access to basic services (food, non-food items, hygiene, education, partly healthcare and protection) to refugees and migrants, with a focus on the most vulnerable ones (families and unaccompanied minors), while a complementary supports in terms of protection, health and outreach assistance continues being ensured under humanitarian funding (DG ECHO). Prior to the closer of Bira by local authorities in October 2020 the EU was supporting 6 reception centres with the possibility to accommodate 7 000 PoC.

As part of the COVID-19 response, the above-mentioned temporary emergency tent facility (in Lipa, Bihac) was established as preventive measures for up to 1,000 non-accommodated refugees and migrants, to reduce their vulnerability to the pandemic. This facility is not suitable for winter.

In view of the coming winter, Bosnia and Herzegovina authorities need to fully use the existing capacities, including the centre in Bira, and find urgently a suitable accommodation for the refugees and migrants hosted in Lipa and as well as for those who are currently without a proper shelter.

The humanitarian funds (totalling EUR 10 300 000) since 2018 continue to provide health assistance and protection services in and outside the temporary reception centres, as well as outreach assistance. This includes the distribution of emergency items such as sleeping bags, warm clothes and dry food packages, protection and health assistance (primary and secondary health, mental health, paediatric services, and reproductive health). The humanitarian funds ensure as well dedicated assistance for unaccompanied minors both outside and inside the centres. EU assistance targets the most vulnerable individuals, unaccompanied minors, families with children and pregnant women.

Furthermore, FPI supports a regional action through the Instrument contributing to Stability and Peace (IcSP) to address the COVID-19 challenges amongst migrant, asylum seekers and

refugees in Western Balkans. The action will complement the support, which will be provided with the proposed Special Measure.

In addition, between 2016 and 2021, all Western Balkans partners also benefit from the regional programme '*Support to Protection-Sensitive Migration Management*' worth some EUR 14 500 000. 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 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' also supported the government's effort in establishing a new reception centre in the area of Sarajevo (Ušivak), which opened in December 2018.

Several bilateral donors from EU Member States and other partner countries 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			
Support to Bosnia and Herzegovina in managing the migration flows for 2020		EUR 45 000 000	

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 TFEU⁴.

SECTOR – Rule of Law and Fundamental Rights	Support to Bosnia and Herzegovina in managing the migration flows for 2020		EUR 45 000 000
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(1) Description of the special measure, objective, expected results and key performance indicators

⁴ https://eas.europa.eu/headquarters/headquarters-homepage/8442/consolidated-list-sanctions_en

The **overall objective** of this special measure is to support Bosnia and Herzegovina in managing mixed migration flows in the context of the increased number of refugees, asylum-seekers and migrants entering the country since the end of 2017 and to address the urgent challenges posed by the COVID-19 pandemic.

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), implementing preventive measures related to COVID-19 for non-accommodated refugees and migrants with the establishment of a temporary reception centre, 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 and continued provision of food, basic services such water, sanitation and hygiene (WASH);
2. Providing additional suitable public-owned accommodation for refugees, asylum-seekers and migrants;
3. Preventive measures related to COVID-19 for non-accommodated refugees and migrants by providing additional temporary accommodation;
4. Improved access to primary and secondary healthcare (including psychosocial support as regards complementary activities not covered by EU humanitarian assistance);
5. Improved access to informal education and social services for the population of concern
6. Improved security within and outside reception facilities;
7. 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;
8. Strengthened capacity of the Border Police and the Service for Foreigners (SFA) of the Ministry of Security in border control and surveillance, irregular migration detection.

Key performance indicators:

- Number and percentage of third-country nationals identified and registered, through the use of biometric data;
- Number of asylum requests filed and processed;
- Number of vulnerable persons assisted;
- Number of persons of concern provided with appropriate shelter, non-food items, health (as regards complementary activities not covered by EU humanitarian assistance), protection(as regards complementary activities not covered by EU humanitarian assistance) 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 having access to informal education;
- Number of temporary reception centres (TRCs) with sufficient numbers of toilets, showers and adequate laundry capacity for the planned number of persons of concern;

- Number of non-accommodated refugees and migrants having access to shelter, food and health services.
- Number of security guards to protect the most vulnerable population within and outside reception facilities.

(2) Assumptions and conditions

- The Bosnia and Herzegovina authorities at all levels 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 and the existing facilities will not be closed
- There will be no major security risks.
- The entrusted entity and its partners will ensure effective coordination.
- The restrictive measures implemented to limit the spread of COVID-19 will not hamper the implementation of the Action.

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 in indirect management, through a contribution agreement, with the International Organisation for Migration (IOM) and with other pillar-assessed entities under a multi-partner contribution agreement.

This implementation entails as a non-exhaustive list the operation of migration centres, including management of staff working at the centres, the provision of food and non-food items, the transportation of migrants, and support to local communities as per outputs 1, 5, and 6 (fully) and to 2, 3, and 4 (in part) under point 2.2 (1) above. In addition, the IOM will coordinate the actions with other pillar assessed entities, as well as with relevant government authorities and other donors.

The IOM 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.

The Commission authorises that the costs incurred by the entrusted entity may be recognised as eligible as of 1 April 2020 since, due to COVID-19 outbreak, the country authorities requested to expand the capacity of existing centres to cater to refugees not yet hosted in accommodation facilities in order to reduce the risk of the spreading of the COVID-19.

(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 – SUPPORT TO BOSNIA AND HERZEGOVINA IN MANAGING THE MIGRATION FLOWS FOR 2020

		Indirect management		Direct management	Total EU contribution (EUR)	IPA-II beneficiary or other third party contribution (EUR)	Total (EUR)
		with IPA-II beneficiary	with entrusted entity				
		EU contribution (EUR)	EU contribution (EUR)	EU contribution (EUR)			
Objective 1	Sector 1 – Rule of Law and Fundamental Rights						
	Action: Support to Bosnia and Herzegovina in managing the migration flows for 2020		45 000 000		45 000 000		45 000 000

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.