



Brussels, 4.6.2020
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COMMISSION IMPLEMENTING DECISION

of 4.6.2020

**adopting a special measure in favour of Bosnia and Herzegovina
for 2020**

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

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 action², and in particular Article 2(1) thereof,

Whereas:

- (1) In order to ensure the implementation of the special measure in favour of Bosnia and Herzegovina for 2020, it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (2) The envisaged assistance is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU³.
- (3) Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession assistance⁴ lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex I to that Regulation. After the special measures already adopted by the Commission on 2018 and 2019⁵, it is now necessary to adopt a new special measure on supporting Bosnia and Herzegovina in managing the migration flows for 2020, in order to provide assistance for actions in the sectors of rule of law and fundamental rights.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 77, 15.3.2014, p. 95.

³ 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.

⁴ (OJ L 77, 15.03.2014, p. 11)

⁵ Commission Implementing Decisions C(2018)5340 of 10.8.2018 and C(2019)3189 of 23.4.2019.

- (4) The action entitled “Support to Bosnia and Herzegovina in managing the migration flows for 2020” is justified by the fact that the inflow of refugees, asylum seekers and migrants in Bosnia and Herzegovina has continually increased and by the imperative urgency to improve the local authorities response and address the urgent serious challenges posed by COVID-19 crisis.
- (5) The Commission should authorise the eligibility of costs as of a date preceding that of submission of a grant application, which is prior to the date of adoption of this Decision, for reasons of extreme urgency in crisis management aid or in other exceptional and duly substantiated emergencies, whereby an early engagement by the Union would be of major importance. Consequently, the Commission should authorise the eligibility of costs as of 1 April 2020.
- (6) Pursuant to Article 4(7) of Regulation (EU) 236/2014, indirect management is to be used for the implementation of this measure.
- (7) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of Regulation (EU, Euratom) 2018/1046. To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (8) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.
- (9) In order to allow for flexibility in the implementation of the measure, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.
- (10) The special measure provided for by this Decision is in accordance with the opinion of the IPA II Committee set up by Article 13 of Regulation (EU) No 231/2014.

HAS DECIDED AS FOLLOWS:

Article 1

The measure

The special measure in favour of Bosnia and Herzegovina for 2020, as set out in the Annex, is adopted.

The measure includes the following action:

“Support to Bosnia and Herzegovina in managing the migration flows for 2020”

Article 2

Union contribution

The maximum Union contribution for the implementation of the measure referred to in Article 1 is set at EUR 20 000 000 and shall be financed from the appropriations entered in the budget line 22.02.01.01 of the general budget of the Union.

The appropriations provided for in the first sub-paragraph may also cover interest due for late payment.

Article 3
Methods of implementation and entrusted entities or persons

The implementation of the actions carried out by way of indirect management, as set out in the Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in the Annex section 2.2 par. 3.

Article 4
Flexibility clause

The following changes shall not be considered substantial, within the meaning of Article 110(5) of Regulation (EU, Euratom) 2018/1046, provided that they do not significantly affect the nature and objectives of the actions:

- (a) increases or decreases for 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.

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

Done at Brussels, 4.6.2020

For the Commission
Olivér VÁRHELYI
Member of the Commission

ANNEX

to the

COMMISSION IMPLEMENTING DECISION

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:	Instrument for Pre-accession Assistance (IPA-II) 2020/042-501 22.020101
Total cost: EU Contribution:	EU 20 000 000 EU 20 000 000
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 (BiH) have been reported, compared to 24,046 for 2018 and 755 in the whole of 2017. In 2020, there were 4,459 new arrivals until mid-April. 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, Syria and Iran while in 2019, top declared countries of origin were Pakistan, Afghanistan, Iraq and Bangladesh. Of the 29,196 persons of concern (PoC)⁶ 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 7894 chose and were able to apply for asylum with the Sector for Asylum.

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 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.. Intense policy dialogue is ongoing at all level with BiH institutions and since January 2020, an EU-funded senior expert has been deployed at the BiH Ministry of Security to support coordination on migration management among BiH authorities.

There are currently around 8,500 refugees, asylum seekers and migrants present in Bosnia and Herzegovina. Out of these, around 7,000 refugees, asylum seekers and migrants are accommodated in temporary reception centres in the Una-Sana Canton, in the Sarajevo Canton and in the Herzegovina-Neretva Canton. As regards the composition, 67% are single men, 1% single women, 23% family with children and 10% unaccompanied or separated children. It is estimated that over 1,500 persons, out of 8,500, are staying outside reception centres, often squatting in abandoned buildings.

⁶ Persons of concern (PoC) include single men, families with children, women (including pregnant and lactating women), unaccompanied minors and minors with disabilities)

While the number of detected new arrivals has recently gone down in the context of the COVID-19 crisis, it is likely that it will increase significantly in late spring and summer 2020, in line with a foreseeable increase in human smuggling and changes in *modus operandi*

As noted in the communication on Support to the Western Balkans in tackling COVID-19 and the post-pandemic recovery⁷, 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 Communication on the Global EU response to COVID-19⁸, 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 provide humanitarian assistance and implement preventive measures related to COVID-19 for refugees and migrants staying outside reception centres, in particular in the Una-Sana Canton. The new Special Measure will, therefore, support the establishment of a temporary facility decided by BiH authorities to assist refugees and migrants sleeping rough and being without appropriate medical care during the pandemic, so as to ensure their dignity and human rights.

In addition, part of the funds will 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 24300 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 3200 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 the BiH 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 3,500 000 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 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

⁷ COM(2020) 315 final

⁸ JOIN(2020) 11 final

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.

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 outreach assistance was provided by EU humanitarian funding (ECHO). The Action further supported the BiH 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 BiH authorities, the action supported the establishment of an additional temporary reception center 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 BiH Ministry of Security to support coordination on migration management among BiH authorities.

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 food, protection and health assistance (primary and secondary health, mental health, paediatric services, and reproductive health), referrals to other services. 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 will support 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 20 000 000	

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 TFEU⁹.

SECTOR – Rule of Law and Fundamental Rights	Support to Bosnia and Herzegovina in managing the migration flows for 2020		EUR 20 000 000
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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 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

⁹ https://eeas.europa.eu/headquarters/headquarters-homepage/8442/consolidated-list-sanctions_en

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, 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. Preventive measures related to COVID-19 for non-accommodated refugees and migrants by providing additional temporary accommodation;
3. Improved access to primary and secondary healthcare (including psychosocial support as regards complementary activities not covered by EU humanitarian assistance);
4. Improved access to informal education and social services for the population of concern
5. 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;

Strengthened capacity of the Border Police and the Service for Foreigners (SFA) of the Ministry of Security in border control and surveillance, irregular migrant detection;ey 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.

(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 coronavirus 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 coronavirus.

(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		20 000 000		20 000 000		20 000 000

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.