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COMMISSION IMPLEMENTING DECISION

of 3.1.2018

**financing humanitarian aid operational priorities from the 2018 general budget of the
European Union - ECHO/WWD/BUD/2018/01000**

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THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid¹, and in particular Article 2, Article 4 and Article 15(2) and (3) thereof,

Having regard to Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('Overseas Association Decision')², and in particular Article 79 thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union³, and in particular Article 84(2) thereof,

Whereas:

- (1) The global humanitarian context in 2018 will, in all likelihood, remain challenging, with similar trends to those experienced in 2017 with the intensity and range of crises surpassing the levels encountered in previous years, and with continuing widespread disregard for International Humanitarian Law (IHL), thus resulting in an increase in the overall total of people affected and in need of international assistance. This increase in humanitarian needs is related to protracted or recurrent humanitarian crises, such as long-term conflict or droughts, and those resulting from sudden new emergencies. In line with the Good Humanitarian Donorship principles, it is important that the response to sudden new emergencies, such as earthquakes or conflicts, does not detract from addressing existing or recurrent humanitarian crises.
- (2) Constantly increasing global needs are the result of a combination of factors, notably the larger number of refugees and displaced persons resulting from man-made crises, the increasing impact of natural disasters, partly as a result of climate change, the continued impact of the economic crisis affecting particularly the most vulnerable populations, and a tightening of the humanitarian space that make the delivery of aid and access to beneficiaries more difficult and more dangerous. In this context and for each crisis, a specific country/region evaluation of needs is conducted by the European Commission in order to provide a first-hand account of crisis pockets and to give an insight into the nature and the severity of needs. This is combined with the Index For Risk Management (INFORM), based on three sets of indicators (hazard and exposure, vulnerability and lack of coping capacity), a Crisis Assessment, which in 2017 was based on the INFORM data on conflict intensity, uprooted people and number of people affected by natural disasters, and the Forgotten Crisis Assessment (FCA).

¹ OJ L 163, 2.7.1996, p. 1.

² OJ L 344, 19.12.2013, p. 1.

³ OJ L 298, 26.10.2012, p. 1.

These evaluations and tools provide the framework to determine the areas of greatest needs based on which funds are allocated.

- (3) Man-made humanitarian crises, resulting from wars or outbreaks of fighting (also called complex or protracted crises) account for a large proportion of, and are, the main source of humanitarian needs in the world. In man-made crises, such as in Syria, Iraq, Yemen, Libya, Myanmar/Bangladesh (Rohingya crisis), Ukraine, South Sudan, Mali, Somalia, Great Lakes, Nigeria and the Central African Republic, the Union's humanitarian intervention, which takes place alongside development, stabilisation and/or state-building interventions, addresses life-saving needs, and protects millions of vulnerable people, including refugees and returnees, internally displaced people, host communities and affected local populations. Where possible, it should also prepare conditions for a proper transition towards longer term interventions (Linking Relief Rehabilitation and Development [LRRD] – 'humanitarian/development nexus') and build the resilience of the most vulnerable populations. This is particularly important in protracted forced displacement where humanitarian response needs to go beyond care and maintenance and seek to increase self-reliance⁴.
- (4) In many contexts, access and security problems make the delivery of aid particularly difficult or dangerous. The needs resulting from such crises may be further exacerbated by natural disasters, such as drought or floods, as it is the case in Haiti, Bangladesh, Mali, Niger, Southern Africa, Horn of Africa, Pakistan, Afghanistan, Chad or Nigeria. Natural disasters and extreme weather conditions may restrict some interventions and may also require rapid reorientation of other activities to meet new priority needs of the affected populations.
- (5) The human and economic losses caused by natural disasters are devastating. These natural disasters, be they sudden or slow onset, that entail major loss of life, physical and psychological or social suffering or material damage, are constantly increasing, and with them so is the number of victims. In this respect, vulnerable populations affected by natural disasters and climate change as well as epidemics rely on Union humanitarian assistance, including food assistance, nutrition and protection. Recurrent acute humanitarian needs have been identified in various situations, such as Myanmar, the Sahel and the Horn of Africa. Recurrent disasters caused by specific meteorological patterns, such as monsoon and hurricane/typhoon/cyclone seasons, may also be covered under this Decision.
- (6) The life of an estimated 65 million children aged 3-15 is directly affected by emergencies or protracted crises. Approximately 37 million are out of school due to conflict.⁵ Out of the 6.4 million refugee children and adolescents between the age of 5 and 17, only about 50% of primary school age children and 23% of secondary school age adolescents are enrolled in school. Ensuring the continuity of education is challenging in displacement contexts. Yet, education in crises and displacement situations is crucial: it gives children a sense of normality, safety, ensures the acquisition of important basic skills and provides hope for the future. Education is also often identified as a primary priority by affected communities themselves. The Union, in the context of providing relief and protection through its humanitarian actions, has engaged in supporting inclusive and quality education in emergencies to protect children and help prevent, reduce, mitigate and respond to emergency-related barriers to education and create pathways for children towards future learning opportunities.

⁴ Communication "Lives in dignity: from aid-dependence to self-reliance" COM (2016) 234 final.

⁵ ODI, Susan Nicolai, EiE Towards a strengthened response, 2015.

This Decision provides for the Union continued active engagement for children affected by crisis through education in emergencies.

- (7) Gender based violence is an every-day reality for many individuals affected by conflicts and disasters. Such violence has reached unprecedented levels over the last decades, calling for a Call to Action from humanitarian actors. This initiative will support the humanitarian community to take stronger action, to drive change and to foster accountability so that every humanitarian effort will mitigate gender-based violence risks, especially violence against women and girls, and will provide safe and comprehensive services for those affected by gender-based violence⁶.
- (8) The Union's humanitarian intervention may also cover those countries of a given region, identified in Annex II based on known vulnerabilities, for which no indicative initial allocation can be provided. The Union's humanitarian intervention may also cover Overseas Countries and Territories pursuant to the Overseas Association Decision.
- (9) Large sudden onset disasters have an enormous impact on the lives and livelihoods of vulnerable populations. In many countries, the effects of a disaster especially when combined with high levels of vulnerability and insufficient local capacities to address them, i.e. prepare, mitigate or prevent, may have a devastating impact. How quickly needs are addressed within the first few days is critical. The Acute Large Emergency Response Tool (ALERT) allows to give a rapid response to sudden-onset large scale natural and technological disasters to cover the immediate needs of those most vulnerable in the hours and days after an emergency or a new humanitarian crisis.
- (10) Emergency humanitarian needs aggravated by the recurrence of disasters, even those of small-scale or those requiring a limited and isolated intervention, are also addressed by this Decision. This also covers epidemic outbreaks. In such cases, a flexible humanitarian intervention should be sought in order to meet the most urgent humanitarian needs and enhance at the local level the preparedness of the most vulnerable populations, in particular local communities, affected by these disasters where there are significant unmet needs.
- (11) Local communities are particularly vulnerable to disasters, shocks and stresses. These cause significant losses both in social and economic terms as people's lives are not only at risk, but they often lose their livelihood and land and might even be displaced. When the coping capacities of the countries concerned by the Decision are insufficient considering the impact of disasters on the population, aggravated even further by climate change, there is a need for international support for preparedness activities. Disaster preparedness allocations aim at reducing the impact of disasters and crises on populations, allowing early warning and early action to better assist those affected.
- (12) With global humanitarian needs continuing to increase, the capacity of humanitarian actors to respond has been stretched to the limit. All options to increase humanitarian capacity to deliver efficient and effective aid to people in need have to be explored. In line with the tenants of the EU Consensus on Humanitarian Aid that "(...) supporting the development of the collective global capacity to respond to humanitarian crises is one of the fundamental tenants of our [EU] approach", the Commission established the Enhanced Response Capacity, a unique programme to improve global humanitarian

⁶ Since 2013, the global initiative 'Call to Action on Protection from Gender-Based Violence in Emergencies' aims to drive change and address gender-based violence from the earliest phase of a crisis. Since June 2017, it is led by the European Union.

capacity and increase efficiency and effectiveness of humanitarian aid. This programme on a global level is ultimately benefiting EU-funded humanitarian operations for example by improving coordination, by developing innovative approaches and methodologies or by establishing surge capacity.

- (13) Access constraints (security and logistical) are often an obstacle to reaching beneficiaries. These can be partially overcome by supporting humanitarian transport, notably through ECHO-Flight in parts of Africa, or through other humanitarian transport providers. Humanitarian transport services should also be made available to humanitarian staff, in the form, in particular, of medical evacuation, where the unavailability of such transport services could deter that staff to provide humanitarian assistance to beneficiaries in the event notably of highly infectious epidemics. Making such services available would also contribute to the protection of humanitarian personnel as referred to in Article 2(c) of Council Regulation (EC) No 1257/96.
- (14) Public awareness, information and communication actions complement and highlight the humanitarian assistance provided by the Union. The communication approach for humanitarian aid is embedded in the Commission's overall corporate communication strategy and takes into account the specificity of humanitarian aid as outlined by the European Consensus on Humanitarian Aid⁷.
- (15) According to the European Consensus on Humanitarian Aid, the promotion of training activities should be part of an overall approach to reinforce global humanitarian aid. The provision of high quality European education and professional qualifications in humanitarian action impacts policy and practice and can lead to improving the quality and efficiency of aid, and ultimately may result in saving lives while ensuring that people live in dignity. Support to education will be implemented mainly by the Network on Humanitarian Action (NOHA), and through other similar initiatives implemented by universities or academic bodies.
- (16) The humanitarian and food assistance funded under this Decision should also cover essential activities and support services to humanitarian organisations as referred to in Articles 2(c) and 4 of Council Regulation (EC) No 1257/96, including notably the protection of humanitarian goods and personnel.
- (17) The Union became party to the Food Assistance Convention on 28 November 2012; the Convention entered into force on 1 January 2013. In accordance with Article 5 of the Convention, an amount of EUR 350 000 000, to be spent as food and nutrition assistance funded under this Decision, is to be counted towards the minimum annual commitment for the year 2018 of the Union under the Food Assistance Convention.
- (18) Humanitarian aid should be implemented by non-governmental organisations, Member States' specialised agencies, international organisations, including United Nations (UN) agencies, and, where appropriate, the Commission itself, including when contributing to LRRD and resilience building through Union Trust Funds, notably through the Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa. Therefore, the Commission should implement the budget to finance these Actions by direct management or by indirect management.
- (19) In cases where the Union finances humanitarian aid operations of Member States' specialised agencies in accordance with Article 9 of Council Regulation (EC) No 1257/96, in order to guarantee that the beneficiaries of Union grants are capable of

⁷ OJ C 25, 30.1.2008, p. 1.

fulfilling their commitments in the long run, the Authorising Officer responsible should verify the legal, operational and, where the entities or bodies concerned are governed by private law, financial capacity of any Member States' specialised agencies desiring to receive financial support under this Decision. The verification to be made should notably seek to confirm whether the Member States' specialised agencies concerned are able to provide humanitarian assistance or equivalent international relief outside the Union in accordance with the humanitarian principles set out in the European Consensus on Humanitarian Aid.

- (20) Actions in the field of academic education and research on humanitarian action should be implemented mainly by key research institutes and Union universities which are members of the NOHA Network and by universities or academic bodies. Therefore, the Commission should implement the budget with respect to these actions by direct management.
- (21) Pursuant to Article 130 of Regulation (EU, Euratom) No 966/2012, and in view of the specific nature of humanitarian aid, expenditure incurred before the date of submission of a proposal may be eligible for Union funding.
- (22) It is estimated that a total amount of EUR 842 200 000 of which EUR 792 200 000 from budget article 23 02 01 and EUR 50 000 000 from budget article 23 02 02, of the general budget of the European Union is necessary to pursue the objectives set for this Decision, taking into account the available budget, other donors' contributions and other factors.
- (23) Although as a general rule actions funded by this Decision should be co-financed, the Authorising Officer, in accordance with Article 277 of Commission Delegated Regulation (EU) No 1268/2012⁸, may agree to the full financing of actions.
- (24) The Commission may acknowledge and accept contribution from other donors pursuant to Article 21(2)(b) of Regulation (EU, Euratom) No 966/2012, subject to the signing of the relevant agreement, and should decide on the use of such contribution.
- (25) The needs based and impartial nature of humanitarian aid implies that the Union may be called to finance humanitarian assistance in crises and countries covered by Union restrictive measures. In such situations, and in keeping with the relevant principles of international law and with the principles of impartiality, neutrality and non-discrimination referred to in Article 214(2) of the Treaty on the Functioning of the European Union, the Union should allow and facilitate rapid and unimpeded access of humanitarian relief by civilians in need. The relevant Union restrictive measures should therefore be interpreted and implemented in such a manner as not to preclude the delivery of humanitarian assistance to the intended beneficiaries.
- (26) It is advisable to maintain a part of the Union budget for humanitarian aid unallocated in order to cover unforeseen operations, as part of an operational reserve.
- (27) Where the operational reserve is insufficient to respond to urgent humanitarian needs, the Commission may decide to request a transfer of appropriations from Titles of the general budget of the European Union to the humanitarian aid budget articles.
- (28) This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012.

⁸ Commission Delegated Regulation (EU, Euratom) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, OJ L 362, 31.12.2012, p. 1.

- (29) In line with the Commission Communication on streamlining financial rules and accelerating budget implementation to help economic recovery, cumulated changes to specific objectives as well as the increase of the appropriations not exceeding 20% of the maximum contribution authorised by this Decision are considered to be non-substantial, provided that they do not significantly affect the nature and objective of the Decision, and may be adopted by the Authorising Officer responsible.
- (30) Non-substantial changes under this Decision are to be calculated by reference to the maximum contribution, excluding the contributions received from other donors pursuant to Article 21(2)(b) of Regulation (EU, Euratom) No 966/2012.
- (31) Under Article 190 of Commission Delegated Regulation (EU) No 1268/2012, grants may be awarded without a call for proposals for the purposes of humanitarian aid, within the meaning of Council Regulation (EC) No 1257/96.
- (32) As humanitarian needs are present in relation to an ever-increasing number of humanitarian crises of long duration, in particular protracted crises, the possibility should be offered for humanitarian actions to be implemented over longer implementation periods. Such a possibility would be in keeping with the recommendations issued on the occasion of the 2016 World Humanitarian Summit and the Grand Bargain⁹.
- (33) The measures provided for in this Decision are in accordance with the opinion of the Humanitarian Aid Committee established by Article 17(1) of Council Regulation (EC) No 1257/96,

HAS DECIDED AS FOLLOWS:

Article 1

1. A maximum amount of EUR 842 200 000, of which EUR 792 200 000 from budget article 23 02 01 and EUR 50 000 000 from budget article 23 02 02, of the 2018 general budget of the European Union, is approved.
2. The humanitarian actions shall be implemented in order to:
 - (a) Provide humanitarian and food assistance, relief and protection to vulnerable people affected by man-made crises, possibly aggravated by natural disasters, including new crises and existing crises where the scale and complexity of the humanitarian crisis is such that it seems likely to continue.

A total of EUR 711 200 000 from budget article 23 02 01 is allocated to this specific objective.
 - (b) Provide humanitarian and food assistance, relief and protection to vulnerable people affected by natural disasters that have entailed major loss of life, physical and psychological or social suffering or material damage.

A total of EUR 42 000 000 from budget article 23 02 01 is allocated to this specific objective.
 - (c) Provide first initial response to cover the immediate needs of the most vulnerable in the days after a large scale emergency or a sudden onset humanitarian crisis as well as humanitarian assistance for response and disaster

⁹ The Grand Bargain – A Shared Commitment to Better Serve People in Need, Istanbul, 23 May 2016.

preparedness to populations affected by disasters where a small scale response is adequate and to populations affected by epidemic outbreaks.

A total of EUR 18 000 000 from budget article 23 02 01 is allocated to this specific objective.

- (d) Support strategies and complement existing strategies that enable local communities and institutions to better prepare for, mitigate and respond adequately to natural disasters by enhancing their capacities to cope and respond, thereby increasing resilience and reducing vulnerability.

A total of EUR 50 000 000 from budget article 23 02 02 is allocated to this specific objective.

- (e) Improve the delivery of aid through complementary and thematic activities aiming at increasing the effectiveness, efficiency, quality, timeliness and visibility of humanitarian actions and transport.

A total of EUR 21 000 000 from budget article 23 02 01 is allocated to this specific objective.

This specific objective shall be met through achieving the following sub-specific objectives:

- (i) Strengthen the global humanitarian preparedness and response capacity of humanitarian partners by increasing the effectiveness and reinforcing the capacity of international humanitarian organisations and non-governmental organisations to assess, analyse, prepare and respond to humanitarian crises.

A total of EUR 3 500 000 from budget article 23 02 01 is allocated to this sub-specific objective.

- (ii) Improve the conditions for delivering humanitarian aid by supporting transport services to ensure that aid is accessible to beneficiaries, including by means of medical evacuation of humanitarian staff where the unavailability of such transport services could adversely affect the timely and effective provision of assistance to beneficiaries.

A total of EUR 14 800 000 from budget article 23 02 01 is allocated to this sub-specific objective.

- (iii) Increase awareness, understanding of and support for humanitarian issues, especially in Europe and in third countries where the Union is funding major humanitarian operations through public awareness and information campaigns. Communication actions in 2018 will also contribute, where appropriate, to the corporate communication of the Commission, in particular regarding the EU's role in the world (A stronger global actor) as well as to the corporate communication cluster "An EU that protects".

A total of EUR 2 000 000 from budget article 23 02 01 is allocated to this sub-specific objective.

- (iv) Provide high quality European education and professional qualifications on humanitarian action that impact on humanitarian aid policy and practice.

A total of EUR 700 000 from budget article 23 02 01 is allocated to this sub-specific objective.

Annex 1 to this Decision reflects the above-mentioned allocations by specific objectives.

Annex 2 to this Decision gives an indication of the contemplated allocation by countries/regions.

3. The Authorising Officer responsible may decide on non-substantial changes in accordance with Article 94(4) of Commission Delegated Regulation (EU) No 1268/2012. Accordingly, when required by the changing circumstances, resources may be reallocated between the above-mentioned specific objectives up to a maximum of 20% of the total amount of the financing decision. This may include an increase of the maximum contribution authorised by this Decision, up to 20%. The maximum contribution by reference to which non-substantial changes are calculated shall exclude the contributions received from other donors pursuant to Article 21(2)(b) of Regulation (EU, Euratom) No 966/2012.
4. An amount of EUR 350 000 000, to be spent as food and nutrition assistance funded under this Decision, is to be counted towards the minimum annual commitment for the year 2018 of the European Union under the Food Assistance Convention.

Article 2

1. The period for the implementation of the actions financed under this Decision shall start on the date specified in the relevant Agreements financed under this Decision and may last up to 48 months.
2. Pursuant to Article 130 of Regulation (EU, Euratom) No 966/2012, and in view of the specific nature of humanitarian aid, expenditure incurred before the date of submission of a proposal for funding shall be eligible for Union funding.
3. If the implementation of individual actions is suspended owing to force majeure or other exceptional circumstances, the period of suspension shall not be taken into account in the implementing period of the action suspended.
4. In accordance with the contractual provisions ruling the Agreements financed under this Decision, the Commission may consider eligible those costs arising and incurred after the end of the implementing period of the action which are necessary for its winding-up.

Article 3

1. Actions funded by this Decision shall in principle be co-financed.

The Authorising Officer, in accordance with Article 277 of Commission Delegated Regulation (EU) No 1268/2012, may agree to the full financing of actions when this will be necessary to achieve the objectives of the action and with due consideration to the nature of the activities to be undertaken, the availability of other donors and other relevant operational circumstances.
2. In cases where the Union finances humanitarian aid operations of Member States' specialised agencies in accordance with Article 9 of Council Regulation (EC) No 1257/96, the Authorising Officer responsible shall verify whether these agencies have legal personality and sufficient operational and, where these agencies are governed by private law, financial capacity to provide humanitarian assistance or equivalent international relief outside the Union in accordance with the humanitarian principles set out in the European Consensus on Humanitarian Aid.

3. Actions supported by this Decision shall be implemented:
- (a) either by non-governmental organisations which fulfil the eligibility and suitability criteria established in Article 7 of Council Regulation (EC) No 1257/96, by international organisations, by Member States' specialised agencies or directly by the Commission, for the purposes of Article 1(2), points (a) to (d) and (e)(i), (e)(ii) and (e)(iii);
 - (b) or by non-governmental organisations which fulfil the eligibility and suitability criteria established in Article 7 of Council Regulation (EC) No 1257/96, by international organisations, by key research institutes and European universities, including those which are also members of the NOHA network or directly by the Commission, for the purposes of Article 1(2) points (e) (iv).
4. The Commission shall implement the budget:
- (a) either by direct management with non-governmental organisations that are signatories of the FPAs, Member States' specialised agencies, non-governmental organisations which fulfil the eligibility and suitability criteria established under Article 7 of Council Regulation (EC) No 1257/96, the NOHA network, European research institutes, universities, academic and policy institutions active in the area of humanitarian aid, VOICE and Union Trust Funds;
 - (b) or by direct or by indirect management with international organisations which were subject to an *ex-ante* assessment in line with Article 61 of Regulation (EU, Euratom) No 966/2012, including those that are signatories of an FPA or are covered by the Financial and Administrative Framework Agreement concluded with the UN (FAFA), Member States' specialised agencies and Union Trust Funds set up for emergency and post-emergency action; or
 - (c) directly within its services by awarding public contracts.

Article 4

The implementation of this Decision is subject to the availability of the appropriations provided for in the draft budget for 2018 after the adoption of the budget by the budgetary authority or provided for in the provisional twelfths.

Done at Brussels, 3.1.2018

For the Commission
Christos STYLIANIDES
Member of the Commission