

**COMMISSION DECISION**  
**of**  
**on the financing of humanitarian operations from the general budget of the European Communities for Humanitarian Aid Flight Service**

**THE COMMISSION OF THE EUROPEAN COMMUNITIES,**

Having regard to the Treaty establishing the European Community,  
Having regard to Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid<sup>1</sup>, and in particular Article 9 and Article 15(1) thereof:

Whereas:

- (1) In vast parts of the Democratic Republic of Congo access by road to humanitarian, rehabilitation and development projects is impossible because of infrastructure conditions and security risks. There is currently no commercial or non-commercial alternative that is sufficiently reliable.
- (2) There is a need for safe, reliable, efficient and cost-effective air transport for EU-funded projects in the regions concerned.
- (3) In emergencies, such air transport capacity should also be made available in other parts of Africa for the delivery of emergency humanitarian aid.
- (4) An assessment of the humanitarian situation has shown that the Community should continue financing ECHO Flight's operations for a period of 12 months.
- (5) It is estimated that an amount of EUR 8 000 000 from budget line 23 02 01 of the general budget of the European Communities is necessary to supply humanitarian assistance to vulnerable populations, taking into account the available budget, other donors' contributions and other factors.
- (6) This Decision will be adopted in early 2008 in order to ensure its implementation during the 2008 financial year.
- (7) This Decision constitutes a financing decision within the meaning of Article 75 of the Financial Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, Article 90 of the detailed rules for the implementation of the Financial Regulation (EC, Euratom) No 2342/2002<sup>3</sup> and Article 15 of the Internal Rules for the Implementation of the General Budget of the European Communities<sup>4</sup>.
- (8) In accordance with Article 17(3) of Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, the Humanitarian Aid Committee gave a favourable opinion on 13 December 2007.

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<sup>1</sup> OJ L 163, 2.7.1996, p. 1-6

<sup>2</sup> OJ L 248, 16.9.2002, p.1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p.1) and by Regulation (EC, Euratom) No 1525/2007 (OJ L 343, 27.12.2007, p. 9).

<sup>3</sup> OJ L 357, 31.12.2002, p.1. Regulation as amended by Commission Regulation (EC, Euratom) No 478/2007, OJ L 111, 28.4.2007, p. 13.

<sup>4</sup> Commission Decision of 21.02.2007, C/2007/513.

HAS DECIDED AS FOLLOWS:

*Article 1*

1. In accordance with the objectives and general principles of humanitarian aid, the Commission hereby approves a total amount of EUR 8 000 000 from line 23 02 01 of the 2008 general budget of the European Communities to finance the continuation of humanitarian air services (ECHO Flight).
2. In accordance with Article 9 of Council Regulation (EC) No 1257/96, the humanitarian operations shall be implemented in pursuit of the following specific objective:

**Specific objective:**

To provide safe, reliable, efficient and cost-effective humanitarian air transport capacity, for both personnel and freight.

The total amount set out in this Decision is allocated for this objective.

*Article 2*

1. The implementation of this Decision shall run for a maximum period of 12 months, starting on 1 May 2008.
2. Expenditure under this Decision shall be eligible from 1 May 2008.
3. If the operations envisaged in this Decision are suspended owing to force majeure or comparable circumstances, the period of suspension shall not be taken into account for the calculation of the duration of the implementation of this Decision.

*Article 3*

1. The Commission shall implement the activities planned by this decision by direct centralised management via a service contract.

*Article 4*

1. The amount of EUR 8 000 000 will depend on the availability of funds from the 2008 general budget of the European Communities.
2. This Decision will take effect on the date of its adoption.

Done at Brussels,

For the Commission

Member of the Commission



## Humanitarian aid decision

**23 02 01**

Title: Humanitarian air service (ECHO Flight)

Place of operation: ECHO Flight

Amount covered by decision: EUR 8 000 000

Decision reference number: ECHO/FLI/BUD/2008/01000

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### **Explanatory memorandum**

#### **1. Justification needs and target population**

##### **1.1. Justification**

Since its inception in 1994, ECHO Flight has become a vital partner of most humanitarian partner organisations working in the Horn of Africa and the Great Lakes Region, transporting staff and humanitarian goods to many remote regions which would otherwise be cut off from the rest of the world. With its extremely positive achievements and excellent reputation, ECHO Flight is a visible symbol of the European Union's humanitarian commitment in all the regions where it operates.

An international call for tenders was issued in 2005 with a view to providing humanitarian partner organisations in the Democratic Republic of the Congo (DRC) with an all-round air transport service for passengers and freight. On 15 May 2006, DG ECHO<sup>1</sup> signed a one-year service contract with DAC Aviation International Ltd which can be extended annually up to three times. It was extended for the first time in May 2007. This new decision covers a second extension as of May 2008. DG ECHO is already engaged in the decision-making process so as to avoid any possible interruption which could have major implications for our partners as regards the implementation of their projects in the regions concerned.

The continued presence of this humanitarian air transport service remains a necessity in the DRC, given the ongoing humanitarian needs and EU-funded actions to meet those needs, the

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<sup>1</sup> Directorate-General for Humanitarian Aid – ECHO  
ECHO/FLI/BUD/2008/01000

fact that the air safety of the Congolese national carriers is still very poor and the very few reliable alternatives available, whether commercial or other.

The purpose of this decision, which is to take effect on 1 May 2008 for a duration of 12 months is to maintain ECHO Flight's services.

### 1.2. Needs identified

The organisation of ECHO Flight's services, particularly the choice of destinations, is based on concrete need for humanitarian air transport. ECHO Flight's basic operational principle is to provide coordination with other humanitarian air transport services, where they exist, and to avoid competing with viable commercial airlines in its mission of providing safe and reliable humanitarian air transport services, thereby avoiding market distortion.

Using the ECHO Flight service improves the quality of humanitarian operations by enabling more frequent monitoring and evaluation missions. Field staff productivity is enhanced because rotations can be organised so as to enable staff to rest and relax on a regular basis. ECHO Flight also enables humanitarian NGOs to reduce their stocks at field sites, often exposed as they are to the risk of confiscation or pillage by armed factions or local militias. Moreover, the capacity to carry out emergency evacuations by air remains an essential condition for many organisations as regards their continued pursuit of the implementation of their projects.

ECHO supports about 40 programmes throughout the DRC which are managed by a similar number of partner organisations. These account for several hundred staff (local and international) and hundreds of tonnes of equipment; though not all of these, of course, require air transport. (Echo Flight transports an average of 1 500 passengers and 75 tonnes of freight per month.)

There are also other vital humanitarian programmes which, although they are not funded directly by DG ECHO, could benefit from air support, particularly humanitarian and/or post-emergency programmes funded by Member States and post-emergency development programmes funded by other Commission services. ECHO currently supports a total of 180 programmes in the field.

### 1.3. Target population and regions involved

It is planned to continue ECHO Flight's operations in the DRC. ECHO Flight could become active in other regions of Africa if there were a sudden need for safe, reliable and cost-effective humanitarian aid transport which it could meet.

In the DRC, there are no regular safe and reliable links either between the major population centres such as Goma, Lubumbashi and Kinshasa or between the many remote and makeshift destinations, particularly in Maniema, Kivu and Katanga and not forgetting access within Ituri. Overland travel is hazardous and time-consuming, and it is often impossible on safety grounds or owing to the lack of road or rail infrastructure. As security has improved in the DRC, DG ECHO has stretched its commitments within the country, particularly in geographical terms. Additional needs for air transport have thus been created, as a number of the locations of projects funded by DG ECHO can only be reached by air.

### 1.4. Evaluation of possible risks and constraints

Although there are high hopes of continued positive developments since the general elections held in 2006, the troubles which started in July 2007 in the east of the country show that there is no guarantee that these favourable conditions will last. ECHO Flight could still be forced at any moment by sudden deteriorations in the security situation to change its schedules temporarily or suspend its flights to certain destinations.

## **2 – Objectives and components of the humanitarian action proposed**

### **2.1. – Objectives**

**Main objective:** to facilitate the implementation of humanitarian aid and/or post-emergency development, which cannot easily be reached, in remote regions of the DRC, or in any other region where ECHO Flight might intervene in Africa.

**Specific objective:** to promote the deployment of safe, reliable, efficient and cost-effective humanitarian air transport capability, both for staff and for freight.

### **2.2. Components**

ECHO Flight's main task is to provide transport for people and equipment, for humanitarian purposes. It also carries out emergency evacuations on an ad-hoc basis for safety-related or medical reasons and provides a grouping system that is highly valued.

Its operations are carried out by a professional carrier under the constant supervision of DG ECHO, and, in particular, the ECHO Flight Coordination Office based in Goma and its field office in Kinshasa.

ECHO Flight operates in accordance with the following basic principles:

- ECHO Flight is a humanitarian tool which cannot, therefore, be used for political missions.
- ECHO Flight uses a fleet of three aircraft: two medium-sized passenger/freight aircraft providing an air transport service to Katanga and Ituri. These link the main centres of Goma, Kinshasa and Lubumbashi. The other aircraft, which is smaller, provides links between the main centres and destinations with small and difficult landing-strips in the Maniema/Southern Kivu region. There is also a medium-sized passenger/freight aircraft which is available on request and which is stationed in the region where operations are being carried out, depending on needs.
- ECHO Flight operates flights according to a general schedule which has been drawn up with the agreement of DG ECHO and the flight operator and is based on actual needs. However, flights can be made in addition to this general schedule, depending on demand and circumstances.
- In addition to aircraft, bases for managing the service, with the necessary staff, are set up by the operator in locations that are essential for operations – namely in Goma, Kinshasa and Lubumbashi. This enables the operator to perform all the tasks involved in running an air support service, including operational management, reservations for passengers and goods and certain maintenance operations. There is an emergency standby service at Goma, the main base, which is open 24 hours a day, 365 days a year.

- ECHO Flight applies the very highest air safety standards.
- ECHO Flight's services are free for accredited organisations and their staff.
- Access to ECHO Flight is regulated by accreditation rules, which give priority access to agencies implementing projects funded by the EU and its Member States, thereby providing maximum protection against abuses of the system. Accordingly Standard Operating Procedures (SOPs) have been signed by the operator and will form an integral part of the contract.
- To maximise ECHO Flight's impact, the Commission will maintain a coordination office in Goma (DRC) and a field office in Kinshasa. The Goma office will monitor and control ECHO Flight's operations and provide technical assistance and the logistical support needed to carry out its tasks. It is planned that the costs of the coordination office will be covered by a budget under a separate decision that will be proposed for ECHO's support offices in Kinshasa and Goma.

### 3. Planned duration of actions covered by the proposed decision

This decision will be implemented over a period of 12 (twelve) months.

The humanitarian operations funded under the decision must be carried out within that period.

Expenditure is eligible under this decision as of 1 May 2008.

Starting date: 1 May 2008.

If the implementation of measures planned under this decision is suspended for reasons of *force majeure* or any comparable circumstance, the period of suspension will not be taken into account for the purposes of calculating the duration of humanitarian aid operations.

Depending on how the situation develops on the ground, the Commission reserves the right to cancel agreements signed with humanitarian organisations responsible for implementation if their activities are suspended for a period exceeding one third of the planned duration of the action. The procedure established for this purpose under the general conditions governing the agreement will be applied.

### 4. Previous Commission actions/decisions in the context of the present crisis

List of previous DG ECHO operations in				
Decision Number	Decision Type	2005 EUR	2006 EUR	2007 EUR
ECHO/FLI/BUD/2005/01000	Non-emergency	6,500,000		
ECHO/FLI/BUD/2006/01000	Non-emergency		7,000,000	
ECHO/FLI/BUD/2007/01000	Non-emergency			7,500,000
	Subtotal	6,500,000	7,000,000	7,500,000
	Grand Total	21,000,000		

Dated : 16 October 2007  
Source : HOPE

## 5. Overview of donors' contributions

No other donors are making any financial contribution to the ECHO Flight programme.

However:

- DG ECHO has helped fund *Aviation sans Frontières* (B), which runs an ad-hoc air support operation in Ituri using a small private aircraft<sup>2</sup> and flying staff with unique experience in the special conditions obtaining in Ituri. DG ECHO has chosen to maintain this programme, which is co-funded by a large number of donors that are entirely independent of ECHO Flight.
- The UN World Food Programme has provided an intermittent humanitarian service, depending on the funds available. At one point (in 2005), this service was funded (along with *Aviation sans Frontières* (F)) by DG ECHO, so as to provide an interim solution to air transport needs.
- Air Serv, an American organisation funded by USAID, provides a humanitarian air service on a fee basis. ECHO Flight is responsible for coordinating services with Air Serv, to ensure that they are complementary and maximise their efficiency as regards routing and the type of aircraft used to reach regions that are inaccessible. At the moment, Air Serv has only two aircraft<sup>3</sup> in Goma and cannot cover existing needs, given the type of aircraft.
- The UN Mission to the DRC (MONUC) has a fleet of aircraft, but most of them are reserved for military use only.

## 6. Amount covered by the decision and breakdown by specific objectives

6.1. Total amount covered by the decision: EUR 8 000 000

### 6.2. Breakdown of the budget by specific objectives

<b>Main objectif :</b> to facilitate the implementation of humanitarian aid and/or post-emergency development in remote regions of the DRC which cannot easily be reached or in any other region where ECHO Flight might intervene in Africa.			
<b>Specific Objective</b>	<b>Allocated amount by specific objective (euros)</b>	<b>Geographical area of operation</b>	<b>Potential partners</b>
to promote the deployment of safe, reliable, efficient and cost-effective humanitarian air transport capability, both for staff and for freight.	<b>8.000.000</b>	DRC, as well as possibly other regions where relevant needs may arise.	- DAC AVIATION INTL LTD
<b>TOTAL:</b>	<b>8.000.000</b>		

<sup>2</sup> The aircraft is a Cessna 207 which can accommodate 5 passengers and which complements Echo Flight's existing arrangements in terms of its schedule, while also serving regions which Echo Flight cannot cover using the type of aircraft currently available from its contact.

<sup>3</sup> A Twin Otter and a Cessna Caravan.

## 7. Evaluation

Under Article 18 of Council Regulation (EC) No 1257/96 of 20 June 1996 on humanitarian aid, the Commission is required to "regularly assess humanitarian aid operations financed by the Community in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent operations." These evaluations are structured and organised on the basis of general and horizontal issues making up DG ECHO's annual strategy, such as issues relating to children, the safety of humanitarian workers, respect for human rights and gender issues. Each year, an indicative Evaluation Programme is drawn up following a consultation process. This programme is flexible and can be adapted so as to include evaluations which were not provided for in the initial programme, in response to particular events or changing circumstances. Further information is available from the following website:

[http://europa.eu/comm/echo/evaluation/index\\_en.htm](http://europa.eu/comm/echo/evaluation/index_en.htm).

## 8. Budgetary impact - Article 23 02 01

-	CE (EUR)
Initial available appropriations for <b>2008</b>	486.095.000
Supplementary Budgets	-
Transfers	-
<b>Total Available Credits</b>	<b>486.095.000</b>
Total executed to date 01.01.2008	0
Available remaining	486.095.000
<b>Total amount of the Decision</b>	<b>8.000.000</b>

## 9. Management issues

The humanitarian aid operations funded by the Commission are implemented by NGOs, specialised agencies based in the Member States and the Red Cross organisations on the basis of a Framework Partnership Agreement (FPA) and by the UN agencies on the basis of the EU/UN Framework Agreement (FAFA), in accordance with Article 163 of the detailed rules for the implementation of the Financial Regulation. These framework agreements define the criteria for the award of contracts and grants under Article 90 of the detailed implementation rules and may be found on the following site:

[http://ec.europa.eu/echo/partners/index\\_en.htm](http://ec.europa.eu/echo/partners/index_en.htm)

Individual grants are awarded on the basis of the criteria set out in Article 7(2) of the Humanitarian Aid Regulation, such as financial and technical capacity, availability and experience, and the results of earlier actions.