



Brussels, 23.4.2013
C(2013) 2171 final

COMMISSION IMPLEMENTING DECISION

of 23.4.2013

**on financing technical assistance and operational support for humanitarian aid actions
from the general budget of the European Union
(ECHO/TAS/BUD/2013/02000)**

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on financing technical assistance and operational support for humanitarian aid actions from the general budget of the European Union (ECHO/TAS/BUD/2013/02000)

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 Articles 4 and 15(2) thereof,

Whereas:

- (1) In order to maximise the benefits of humanitarian aid to victims it is necessary to be able to draw on efficient, appropriate and effective technical assistance. This technical assistance is provided by experts recruited under direct employment contracts with the Commission subject to Belgian law. This financing decision follows on from previous decisions without conferring the right to other forms of employment or privilege specified in the Staff Regulations of Officials of the European Union and conditions of employment of other servants.
- (2) With the aim of developing a stronger European disaster response capacity² and responding constructively to the concerns of the Council³, which asked for improved humanitarian aid response mechanisms, the Commission must enhance its capacity to dispatch experts into the field by improving its rapid response capability.
- (3) It is estimated that EUR 29 000 000 under Article 23 02 01 of the 2013 general budget of the European Union is needed to maintain and strengthen the system of individual experts and achieve the objectives of this Decision.
- (4) The Commission should implement the budget for this technical assistance directly in its departments.
- (5) The experts recruited will be offered employment contracts by the Commission to carry out technical assistance activities.

¹ OJ L 163, 2.7.1996, p. 1.

² COM(2010) 600 final: 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance'.

³ Conclusions of the General Affairs and External Relations Council meeting of 7 January 2005.

- (6) In line with the Commission's communication 'Streamlining financial rules and accelerating budget implementation to help economic recovery'⁴, an increase in allocations not exceeding 20% of the maximum contribution authorised by this Decision is not considered to be substantial, provided that it does not significantly affect the nature and objective of the Decision, and may be adopted by the authorising officer responsible.
- (7) This Decision constitutes a financing decision within the meaning of Article 84 of 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 Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ('the Financial Regulation')⁵ and Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union ('the rules of application of the Financial Regulation')⁶.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Humanitarian Aid Committee established in accordance with Article 17(1) and (3) of Regulation (EC) No 1257/96,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Commission hereby approves total financing of EUR 29 000 000 under Article 23 02 01 of the 2013 general budget of the European Union to ensure the continued financing of technical assistance and operational support to humanitarian aid actions in non-member countries.
2. In accordance with Article 4 of Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, the principal aim of this Decision is to maximise the benefits of aid to victims and enhance the capacity of the Commission to determine priorities for the use of this aid. This initiative will be implemented with the following specific objective:
 - Provision of technical assistance and operational support in the field in non-member countries to maximise the impact of EU-financed humanitarian aid actions.

The total amount provided for in this Decision shall be allocated to this specific objective.

⁴ SEC(2009) 477 final of 8 April 2009.

⁵ OJ L 298, 26.10.2012, p. 1.

⁶ OJ L 362, 31.12.2012, p. 1.

Article 2

1. The end of the implementation period of this Decision is set at 31 December 2017. The relevant employment contracts will have a maximum duration of three years and be signed before 31 December 2014 in accordance with the applicable rules on global commitments⁷.
2. The costs arising from the initiatives provided for in this Decision shall be eligible from the date on which this Decision is adopted.

Article 3

The Commission shall implement this Decision directly in its departments by awarding employment contracts subject to Belgian law.

Article 4

Where unforeseeable humanitarian requirements generated by natural or man-made disasters are not covered by this Decision, resources may, in the light of circumstances, be transferred by the authorising officer responsible up to a maximum of 20% of the amount of this Decision.

Article 5

This Decision shall take effect on the date of its adoption.

Done at Brussels, 23.4.2013

For the Commission
Kristalina GEORGIEVA
Member of the Commission

⁷ In particular Article 86(4) of the Financial Regulation applicable to the general budget of the European Union, Regulation 966/2012 of 26 December 2012.



Humanitarian aid decision
23 02 01

Title: Commission implementing decision on the general budget of the European Union related to the financing of technical assistance and operational support to humanitarian aid actions (ECHO/TAS/BUD/2013/02000)

Location of operation: All countries Amount of decision: 29.000.000 EUR

Reference number: ECHO/TAS/BUD/2013/02000

Supporting document:

1. Background and needs identified:

DG ECHO¹ is the Commission department responsible for managing and financing Community humanitarian aid and Civil Protection of the European Union under the conditions laid down by Council Regulation (EC) No 1257/96 of 20 June 1996.

Under Article 4 of the Regulation, DG ECHO's mandate covers the following activities:

- preparatory and feasibility studies for humanitarian operations and the assessment of humanitarian projects and plans,
- operations to monitor humanitarian projects and plans,
- measures to strengthen the Community's coordination with the Member States, other donor countries, international humanitarian organisations and institutions, non-governmental organisations and organisations representing them,
- the technical assistance necessary for the implementation of humanitarian projects.

Technical assistance in the field is of crucial importance in this context in that it contributes, under the Commission's guidance, to essential tasks such as the identification and evaluation of needs, and to the monitoring of ongoing operations. It thus helps to enhance the impact of the aid to victims and improve the Commission's ability to determine priorities for the use of this aid. The added value gained through this expertise derives from the objectives set out in point 2 of this explanatory memorandum. The presence of technical assistance in the field, ready to intervene immediately in humanitarian crises, substantially increases the Commission's rapid reaction capacity and the introduction and monitoring of financed aid programmes.

¹ Directorate-General for Humanitarian Aid and Civil Protection– ECHO.

In line with the European Consensus on humanitarian aid, this technical assistance will also enable to share the needs assessment in the field with Member States and help to reinforce the EU assistance to the international humanitarian system.

This decision will facilitate the development of a strengthened EU reaction capacity in crises situations² and intends to reply positively to the solicitation of the European Council³ requesting an enhanced response mechanism for humanitarian aid: Identification and evaluation of the situation, causes, consequences and humanitarian needs, as well as the logistical constraints, linked to security issues related to access to the beneficiaries.

At the end of 2012, the Commission had 140 open expert positions, of which 138 were effectively occupied. Furthermore, 7 experts were recruited on short term missions (between 3 and 12 months), necessary to reply efficiently to the specific needs arising from humanitarian crises.

The current Commission decision on this subject (ECHO/TAS/BUD/2012/02000 of 15 April 2012 – EUR 29.000.000), has authorised the conclusion of contracts with individual experts for a total of +/- 1.600 man/months. This decision covers the needs until the end of April 2013.

2. Objectives and components of the proposed financing:

2.1. Objectives:

The main purpose of this decision is to maximise the impact of the aid to victims and improve the Commission's ability to determine priorities for the use of this aid. The specific objective is to finance technical assistance and operational support in the field, working exclusively outside the European Union.

This decision is, therefore, intended to cover expenditure arising from contracts concluded between the Commission and its individual experts, and from other contracts relating to these experts, e.g. insurance policies, leases (including deposits) and security contracts.

Expenditure relating to offices in the field, including mission costs, is not financed by this decision but by the global decision on DG ECHO technical assistance ECHO/TAS/BUD/2013/01000.

2.2. Components:

Under the Commission's supervision, the technical assistance will carry out the following tasks in particular:

- Participation in the selection of projects presented by NGOs and international organisations and formulation of recommendations to the Commission;
- Facilitation of the decision-making process (programming of humanitarian aid, strategic planning and participation in the preparation of funding decisions) through the formulation of recommendations to the Commission;

² COM(2010)600 final: 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance'

³ CAGRE (Conseil « Affaires Générales et Relations Extérieures ») of 7 January 2005

- Participation in the coordination and supervision of financed operations through field missions;
- Participation in the evaluation of the interim and final reports submitted by NGOs and international organisations and formulation of recommendations to the Commission;
- Gathering and dissemination of information on humanitarian aid and implementation of visibility measures;
- Participation in and/or organisation of meetings on humanitarian aid in the field;
- Participation in the development of elements such as the reinforcement of evaluation of needs (common, cross-sectoral and comparable), coordination with the United Nations system, or the development of shared logistics platforms.
- Fostering the best possible collaboration with European Union Delegations to ensure that humanitarian activities financed via ECHO are as compatible and/or complementary as possible with other programmes financed by the Commission;
- Increasing the impact of humanitarian aid operations financed by the Commission via DG ECHO.

Individual experts assigned to Regional Support Offices will have the following tasks and duties⁴:

- Provide sectoral expertise to conventional offices⁵;
- Provide a rapid response and evaluation capacity in the event of new crises;
- Ensure the supervision of security issues in the area covered;
- Ensure operational and logistical support for the functioning of the ECHO offices in the region (backup);
- Ensure logistical and administrative support to the ECHO offices in the region;
- Provide support for communication and visibility activities;
- Support "knowledge dissemination" between headquarters and the field;
- Support training activities;
- Perform - via a sub-office or by means of field visits - the routine tasks of an ECHO office, where, for political, security or other reasons, it is impossible to open an office in a given country.

⁴ The detail of these duties is explained in the Commission decision (ECHO/TAS/BUD/2006/01000) of 26 April 2006 on the financing of DG ECHO field Regional Support Offices:

⁵ Conventional offices are offices covering a specific crisis.

2.3. Contractual and financial conditions:

The system of individual experts was introduced in 1998. These experts are recruited through direct employment contracts with the Commission from a list of experts drawn up following a call for applications published in the Official Journal⁶. They are employed to undertake technical assistance missions in various sectors, including humanitarian aid, and to work exclusively in third countries outside the European Union.

The contracts are governed by Belgian law, in particular the Employment Contracts Act of 3 July 1978. They are fixed-term contracts for a specific task (the 'mission' defined in the expert's terms of reference) carried out subject to the employer's authority (power of management and supervision).

DG ECHO's use of fixed-term contracts is justified first and foremost by the nature of this work, which is often highly specialised, carried out in difficult countries and of limited duration. The specific nature of humanitarian aid also requires the Commission to exercise direct operational control over its experts.

Under their employment contracts experts receive a fixed monthly wage based on indicative brackets published in the call for applications. Provision for social security cover (sickness, accidents) and insurance (incapacity for work, death, retirement) is governed by the terms of the contract and the legislation in force.

3. Duration of the decision:

This decision shall enter into force on the day on which it is adopted.

The deadline for concluding and/or extending employment contracts under this decision is 31 December 2014.

Contracts will have a maximum duration of three years, meaning that the implementation period of the decision will last until 31 December 2017.

4. Previous Commission interventions/decisions:

Since the management of individual experts was transferred to internal Commission departments, twelve financing decisions have been adopted:

11 December 2002	ECHO/TPS/210/2002/21000	8.000.000 EUR
1st July 2003	ECHO/TPS/210/2003/10000	12.000.000 EUR
17 June 2004	ECHO/TAS/BUD/2004/03000	13.500.000 EUR
7 April 2005	ECHO/TAS/BUD/2005/02000	18.750.000 EUR
4 September 2006	ECHO/TAS/BUD/2006/02000	2.000.000 EUR
29 November 2006	ECHO/TAS/BUD/2006/03000	12.350.000 EUR
25 May 2007	ECHO/TAS/BUD/2007/02000	20.500.000 EUR
16 May 2008	ECHO/TAS/BUD/2008/02000	19.670.000 EUR

⁶ OJ C 112 of 7.5.2008, pp. 27-29 (Call for applications from individual experts for technical assistance to third countries in the area of humanitarian aid).

20 April 2009	ECHO/TAS/BUD/2009/02000	19.600.000 EUR
15 April 2010	ECHO/TAS/BUD/2010/02000	20.000.000 EUR
20 April 2011	ECHO/TAS/BUD/2011/02000	27.000.000 EUR
20 April 2012	ECHO/TAS/BUD/2012/02000	29.000.000 EUR

5. Amount of the decision:

The total amount of the decision is EUR 29.000.000.

It is estimated that, once the budget of the 2012 decision is used up, DG ECHO will have to conclude contracts for a total of approximately 1.720 man/months with experts whose contracts have expired or with new experts.

Duration	Number of contracts	Average monthly cost (EUR)	Man/months	Total cost (EUR)
1 year	25	16.500,00	300	4.950.000
2 years	55	16.500,00	1.320	21.780.000
Short term contracts	20	16.500,00	100	1.650.000
Other				620.000
TOTAL			1.720	29.000.000

The average monthly cost (16.500 EUR) has been calculated on the basis of the average expenditure over the year 2010. The largest items of expenditure are salaries and accommodation. The remaining items include travel (to take up post and to return from place of employment), insurance, removals and home security. Some of these items will also be contracted out.