



EUROPEAN
COMMISSION

Brussels, 25.4.2014
C(2014) 2675 final

COMMISSION IMPLEMENTING DECISION

of 25.4.2014

**on financing technical assistance and field offices to support humanitarian aid
operations from the general budget of the European Union**

ECHO/TAS/BUD/2014/01000

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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 Articles 4 and 15(2) 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 Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (hereinafter referred to as 'the Financial Regulation')², and in particular Article 84(2) thereof;

Whereas:

- (1) In the provision of humanitarian aid it is necessary to be able to call on efficient, appropriate and effective technical assistance in the theatre of operations and crisis situations in order to monitor humanitarian projects and plans and to maximise the benefits of aid for the victims.
- (2) It is necessary to be able to draw on adequate and effective technical assistance structures. Such technical assistance is provided through the Regional Support Offices and the traditional country offices, all with the human and logistic resources needed to carry out their humanitarian work. Requirements for such assistance infrastructure include the remuneration of local staff, office rent and equipment, mission costs and transport and communication equipment.
- (3) The technical expertise 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. With the aim of developing a stronger European disaster response capacity³ and responding constructively to the concerns of the Council⁴, which asked for improved humanitarian aid response mechanisms, the

¹ OJ L 163, 2.7.1996, p. 1.

² OJ L298/1, 26.10.2012

³ COM(2010) 600 final: European disaster response: role of civil protection and humanitarian assistance

⁴ Council Conclusions, General Affairs and External Relations, 7.1.2005

Commission must enhance its capacity to dispatch experts into the field by improving its rapid response capability.

- (4) It is appropriate to have the financing of all field offices and all costs related to technical assistance covered under a single decision, with a view to facilitate their management and obtain an enhanced overview of their budgets.
- (5) It is estimated that EUR 48 000 000 under Article 23 02 01 of the 2014 general budget of the European Union is needed to achieve the objectives of this Decision.
- (6) In addition, further to a decision of the Board of Directors of the Agence Française de Développement ('AFD') in July 2013 to transfer EUR 18 015 982 to ECHO to fund projects in the health sector within the context of the 'Projet de renforcement du système de santé (PRSS)', an amount of EUR 323 802 from the donor's total financial contribution will be used to cover the management (administrative) costs generated in the field over a period of 3 years. These funds will be treated as external assigned revenue (pursuing to Article 21(2)(b) of the 2012 Financial Regulation) under Article 23 02 01.R0 of the 2014 general budget of the European Union.
- (7) The Decision covers employment contracts of fixed duration up to 12 months with a possibility to renew for a further period of 12 months. With this in mind it is proposed that the Decision should have duration of 24 months.
- (8) For the purposes of provision of technical assistance and operational support and the equipment of technical assistance offices, the Commission should implement the budget by direct management. The Commission may use for procurement purposes not-for-profit organisations specialised in the technical and commercial management of supplies and services necessary for the implementation of humanitarian actions and recognized by the Commission as Humanitarian Procurement Centres.
- (9) This Decision complies with the conditions laid down in Article 94 of the Rules of Application.
- (10) 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 competent Authorising Officer.
- (11) 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. In accordance with the objectives and general principles of humanitarian aid, the Commission hereby approves a total of EUR 48 323 802 from which EUR 48 000 000 under Article 23 02 01 and EUR 323 802 under Article 23 02 01.R0 of the 2014

general budget of the European Union for the financing of technical assistance and field offices to support humanitarian aid operations in the field.

2. In accordance with Article 4 of the Humanitarian Aid Regulation, the humanitarian actions shall be implemented in the pursuance of the following specific objectives:

(a) Specific objective 1: To equip the field offices with the logistics and necessary means to carry out their humanitarian aid work in the best possible conditions.

A total of EUR 28 000 000 from budget article 23 02 01 and EUR 200 000 from budget article 23 02 01.R0 is allocated to this specific objective.

(b) Specific objective 2: Provision of technical assistance and operational support in the field to maximise the impact of EU-financed humanitarian aid actions.

A total of EUR 20 000 000 from budget article 23 02 01 and EUR 123 802 from budget article 23 02 01.R0 is allocated to this specific objective.

3. The Authorising Officer may decide on non-substantial changes in accordance with Article 94(4) of the Rules of Application. Accordingly, when required by the changing circumstances and without prejudice to the use of a contingency reserve, 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 the increase of the maximum contribution authorised by this Decision up to 20%.

Article 2

1. The period for the implementation of the actions financed under this Decision shall start from 1st May 2014 and shall run for 24 months. Eligible expenditure shall be committed during the implementing period of the Decision.

Article 3

The Commission shall implement the budget by direct management. The Commission may use for procurement purposes not-for-profit organisations recognized by the Commission as Humanitarian Procurement Centres.

Article 4

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

Article 5

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

Done at Brussels, 25.4.2014

For the Commission
Kristalina GEORGIEVA
Member of the Commission



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 field offices in support to humanitarian aid actions (ECHO/TAS/BUD/2014/01000).

Location of operation: All countries Amount of decision: 48.323.802 EUR

Reference number: ECHO/TAS/BUD/2014/01000

Supporting document

1. Background and needs identified:

DG ECHO¹ is the Commission department responsible for managing and financing Community humanitarian aid under the conditions laid down by Council Regulation (EC) No 1257/96 of 20 June 1996 as well as for the coordination and financing of activities of the Union Civil Protection Mechanism under the conditions laid down by Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism.

Under Article 4 of the Regulation 1257/96, 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 on-going operations. It thus helps to enhance the impact of the aid to beneficiaries 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

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

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.

The field network is considered as one of the Commission's main key strengths. It contributes decisively to making the European union a reference donor, whose strong position in international fora is based on first-hand operational experience. The basic role of DG ECHO's field network is:

- to give Headquarters an oversight on the humanitarian situation in the field and its possible evolution;
- to provide technical advice to Headquarters on needs assessment, analysis of proposals, monitoring of projects and lessons learned;
- to contribute to ensure a coherent roll-out of policy guidelines guaranteeing a consistent level of quality for ECHO supported projects;
- to represent ECHO in relevant humanitarian aid clusters/fora, to advocate with relevant stakeholders at local/regional/global level within the framework defined by Headquarters and to ensure appropriate communication and visibility actions;

while keeping the office structures flexible, adapted to needs and acting through an appropriate resource, logistics and security management.

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.

This technical assistance is provided through the Regional Support Offices (RSO) and through field offices established in a given country, disposing of all the human and logistical means necessary to accomplish their mission. The financing of this technical assistance includes amongst others the funding of international experts, national staff, office hire and equipment, mission costs as well as means of transport and communication.

At the end of 2013, the Commission had 44 offices spread over 38 countries with 140 expert positions, of which 2 were vacant. Furthermore, 8 experts were recruited on short term missions (between 3 and 12 months), necessary to reply efficiently to the specific needs arising from humanitarian crises. Also 315 National Staff were contracted from which 87 were focusing on operation-related issues and 82 on administrative, financial and logistics issues, while 146 were occupying support positions (drivers, guards, cleaners,...).

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

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 beneficiaries, to improve the Commission's ability to determine priorities for the use of this aid and to provide technical assistance for operations to monitor humanitarian projects in the field. These initiatives are undertaken in the framework of the following specific objectives:

- (a) Specific objective 1: To equip the field network with the logistics, local staff and necessary means to carry out their humanitarian aid work in the best possible conditions. This objective is, therefore, intended to cover expenditure including national staff (under employment contracts subject to the respective national laws), office hire, including contracts such as insurance policies, leases and security contracts, office equipment, communications and IT equipment, means of transport, and mission expenses for expatriate and local staff.
- (b) Specific objective 2: Provision of technical assistance and operational support in the field to maximise the impact of EU-financed humanitarian aid actions. This objective is, therefore, intended to cover expenditure arising from contracts concluded between the Commission and its individual experts, including related medical coverage insurances, pension contributions and other related costs.

2.2. Components:

Under the Commission's supervision, the technical assistance provided by experts and National Staff 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;
- 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.
- Contribute to policy development and ensure a coherent roll-out of policy guidelines guaranteeing a consistent level of quality for ECHO supported projects
- Provide sectoral expertise to country offices;
- 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;
- Ensure logistical and administrative support to the ECHO offices;
- Provide support for communication and visibility activities;
- Support "knowledge dissemination" between headquarters and the field;
- 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.

End 2013, DG ECHO had 44 offices (6 regional support offices (RSO) and 38 field offices) in the following countries:

- Central Africa, Horn of Africa and Southern Africa region: Kenya (RSO), Central African Republic, Ethiopia, Sudan (Khartoum and Nyala), South Sudan, DRC (Kinshasa, Goma and Bukavu), Somalia and Zimbabwe;
- West Africa region: Senegal (RSO), Burkina Faso, Chad, Ivory Coast, Liberia, Mali, Niger and Nigeria;
- South-East Asia region: Thailand (RSO), Indonesia, Myanmar (Burma) and Philippines;
- South Asia region: India (RSO), Bangladesh, Nepal, Afghanistan and Pakistan;
- Latin America region: Nicaragua (RSO), Colombia, Dominican Republic, Ecuador, Haiti;
- Mediterranean/Middle East/Balkans/NIS region: Jordan (RSO), Algeria (Alger and Tindouf), Georgia, Lebanon, Palestine (Jerusalem and Gaza), Syria, Turquie, Kazakhstan and Yemen.

Countries may be added and/or withdrawn depending on the situation and humanitarian needs⁴.

2.3. Contractual and financial conditions for individual expert contracts:

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

⁴ In order to safeguard the necessary flexibility, the addition/removal of a country to/from the indicative list will not require any amendment of this financing decision.

call for applications published in the Official Journal⁵. 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 labour 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). The contractual system will be reviewed in 2014 for being in line with recent changes to Belgian labour law, introduced by changes on 12.04.2012 and more recently by the revision of working conditions for workers and employees.

DG ECHO's use of Belgian law 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.

Expenditure under this decision shall be eligible from 1st May 2014.

The deadline for concluding and/or extending employment contracts under this decision is 31 December 2015.

Contracts can have a duration up to two years, i.e. until 31 December 2017.

4. Previous Commission interventions/decisions

Since 2009, with a view to facilitating their budgetary, administrative and financial management, all offices were put under a single ad hoc decision.

The following decisions have been approved by the Commission on the financing of the offices in the field in support to humanitarian aid actions:

Decision	Amount	Start date	End date
ECHO/TAS/BUD/2009/01000	12.500.000 EUR	1 May 2009	28 April 2010
ECHO/TAS/BUD/2010/01000	15.000.000 EUR	1 May 2010	30 April 2011
ECHO/TAS/BUD/2011/01000	18.000.000 EUR	1 May 2011	30 April 2012
ECHO/TAS/BUD/2012/01000	19.000.000 EUR	1 May 2012	30 April 2013
ECHO/TAS/BUD/2013/01000	19.000.000 EUR	1 May 2013	30 April 2014

⁵ 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).

Since the management of individual experts was transferred to internal Commission departments, thirteen 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
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
23 April 2013	ECHO/TAS/BUD/2013/02000	29.000.000 EUR

The recent ones had an implementation period of 4 years and 8 months for covering working contracts with duration up to 3 years.

The current decision will group the above-mentioned financing decisions in one, while transferring the local costs linked to expert contracts, like housing, security and insurance contracts, to the office management specific objective, facilitating as such a more optimal management of these types of expenses.

5. Amount of the decision

5.1. Total amount of the decision

A total amount of 48.000.000 EUR will be charged on the budget line 23 02 01 and 323.802 EUR on budget line 23 02 01.R0. This amount has been calculated on the basis of the needs

- of the offices and on the average of their actual expenditure over previous years, plus a margin to cover the opening of new facilities and to allow for the modernisation of administrative and financial management tools or to reinforce ICT equipment. Furthermore, new initiatives will be taken in the framework of the management of national staff in the offices, developing their technical competences in order to enhance their contribution to the activities managed in the field.
- For concluding expert contracts⁶ to cover the tasks to be covered as mentioned above in section 2.2.

⁶ The average monthly cost of expert contracts, calculated on the basis of the average expenditure over the year, is estimated at EUR 16 500 . The largest items of expenditure are salaries and accommodation. The remaining

5.2. Budget management

The main budget items are: experts, national staff, offices, IT and communications equipment, means of transport, and missions of expatriate and local staff.

The budget necessary for the good functioning of the offices will be made available via:

- A system of specific Imprest Accounts created by the Accountant of the Commission;
- Direct commitment and payment by Headquarters of expenses of a high amount or covering several offices.

It has to be noted that further to a decision of the Board of Directors of the Agence Française de Développement ('AFD') in July 2013 to transfer EUR 18.015.982 to ECHO to fund projects in the health sector within the context of the 'Projet de renforcement du système de santé (PRSS)', an amount of EUR 323.802 from the donors total financial contribution will be used to cover the management (administrative) costs generated in the field over a period of 3 years. These funds will be treated as external assigned revenue (pursuing to Article 21(2)(b) of the 2012 Financial Regulation) under Article 23 02 01.R0 of the 2014 general budget of the European Union. It is expected that half of the available amount (EUR 161.901) will be covered in the period covered by this financing decision.

items include travel (to take up post and to return from place of employment), insurance, removals and home security. Some of these items are also contracted out