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COMMISSION IMPLEMENTING DECISION

of 22.12.2014

**financing emergency humanitarian actions in Libya from the general budget of the
European Union**

(ECHO/LBY/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 Article 2(a), Article 4 and Article 13 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) Over the last few months Libya's political crisis has continued to deepen, despite repeated calls for a ceasefire. Since Qaddafi's fall, no central government has been able to take charge. Clashes have occurred in both east and west of the country, also spreading in the South in October/November. The safety and security of the civilians caught in the violence are of great concern.
- (2) The conflict has considerably impacted the lives of civilians, causing shortages of medical supplies, displacement, destruction of homes and infrastructure, disruption of basic services and communications and difficulties in obtaining food and fuel supplies. According to UNHCR 393 400 people have been displaced since May.³ The lack of a centralised registration system of internally displaced people (IDPs) hampers the coordination and implementation of relief efforts.
- (3) Security has become a major issue and humanitarian access has been affected since the intensification of clashes in July 2014. Most international humanitarian workers have left the country, leaving local personnel on its own to cope with increased responsibilities and a rapidly deteriorating humanitarian environment.
- (4) To reach populations in need, humanitarian aid should be channelled through Non-Governmental Organisations (NGOs) and international organisations including United

¹ OJ L 163, 2.7.1996, p. 1

² OJ L 298/1, 26.10.2012

³ UNHCR briefing note 14.11.2014

Nations (UN) agencies. Therefore the European Commission should implement the budget by direct management or by indirect management.

- (5) Humanitarian aid actions financed by this Decision should be for a maximum duration of 6 months.
- (6) It is estimated that an amount of EUR 2 000 000 from budget article 23 02 01 of the general budget of the European Union is necessary to provide humanitarian assistance to at least 393 400 displaced persons, taking into account the available budget, other donors' contributions and other factors. The activities covered by this Decision may be financed in full in accordance with Article 277 of the Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (hereinafter referred to as 'the Rules of Application')⁴.
- (7) Pursuant to Article 130 of the Financial Regulation, 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.
- (8) This Decision complies with the conditions laid down in Article 94 of the Rules of Application.
- (9) Pursuant to Article 13 of Council Regulation (EC) N° 1257/96, the opinion of the Humanitarian Aid Committee is not required,

HAS DECIDED AS FOLLOWS:

Article 1

1. In accordance with the objectives and general principles of humanitarian aid, the Commission hereby approves a maximum amount of EUR 2 000 000 for the financing of emergency humanitarian actions in Libya from budget article 23 02 01 of the 2014 general budget of the European Union.
2. In accordance with Article 2 (a) of Council Regulation No 1257/96, the principal objective of this Decision is to alleviate the consequences of the ongoing conflict on the displaced population as well as on other people of concern throughout Libya. The humanitarian actions shall be implemented in the pursuance of the following specific objective:

To provide essential humanitarian assistance and protection to the most vulnerable Internally Displaced People, refugees, migrants and asylum-seekers who are victims of the ongoing conflict in Libya.

The full amount of this Decision is allocated to this specific objective.

⁴ OJ L 362, 31.12.2012, p. 1.

Article 2

1. The period for the implementation of the actions financed under this Decision shall start on 1 December 2014. Expenditure under this Decision shall be eligible from the same date. The duration of individual humanitarian aid actions financed under this Decision shall be limited to a maximum of six months.
2. Pursuant to Article 130 of the Financial Regulation, 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.
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 Decision in respect 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. In accordance with Article 277 of the Rules of Application and having regard to the urgency of the action, the availability of other donors and other relevant operational circumstances, funds under this Decision may finance humanitarian actions in full.
2. Actions supported by this Decision will be implemented either by non-profit-making organisations which fulfil the eligibility and suitability criteria established in Article 7 of Council Regulation (EC) No 1257/96 or international organisations.
3. The Commission shall implement the budget:
 - (a) either by direct management, with non-governmental organisations;
 - (b) or by indirect management with international organisations that are signatories to the Framework Partnership Agreement or the Financial Administrative Framework Agreement with the UN (FAFA) and which were subject to the institutional compliance assessment ('six pillar assessment') in line with Article 61 of the Financial Regulation.

Article 4

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

Done at Brussels, 22.12.2014

*For the Commission
Claus H. Sørensen
Director General*



Emergency Humanitarian Aid Decision **23 02 01**

Title: Commission implementing decision on the financing of emergency humanitarian actions in Libya

Description: Humanitarian aid to vulnerable people affected by the conflict in Libya

Location of action: Libya

Amount of Decision: EUR 2 000 000

Decision reference number: ECHO/LBY/BUD/2014/01000

Supporting document

1 Humanitarian context, needs and risks

1.1 Situation and context

Over the last few months Libya's political crisis has continued to deepen, despite repeated calls for a ceasefire. Since Qaddafi's fall, no central government has been able to take charge. Clashes have occurred in both east and west of the country, also spreading in the South in October/November. Libya's three distinctive regions (Tripolitana in the west, Cyrenaica in the east and Fezzan in the South) are under the control of militias, factions, splinter cells and terrorist groups that found refuge in the country.

Security has become a major issue and humanitarian access has been hampered since the intensification of clashes in July 2014. Most international humanitarian workers have left the country, leaving local personnel on its own to cope with increased responsibilities and a rapidly deteriorating humanitarian environment.

The conflict has considerably impacted the lives of civilians, causing shortages of medical supplies, displacement, destruction of homes and infrastructure, disruption of basic services and communications and difficulties in obtaining food and fuel supplies.

In addition, Libya is facing a major challenge in addressing mixed migration, now considered as a national security matter. The deteriorating security conditions in Libya negatively affect refugees and asylum seekers, putting them at risk of great harm. They continue to be detained on account of irregular entry to the country and thus forcing them to seek recourse elsewhere, often such as a perilous journey by sea to Europe. Many of them are in extremely vulnerable conditions having suffered either trauma or torture in their country of origin or during the journey to Libya.

The Libya Humanitarian Appeal launched by the UN on 19 September 2014 sets out the groundwork for a humanitarian response until the beginning 2015 with a budget of USD 35.25 million, mainly focusing on food aid, health assistance and protection. Should the conflict continue, such needs will remain, and could become even more acute. The need for protection of sub-Saharan migrants, particularly those in detention centres and those making irregular crossings to Europe, as well as of other people of concern should equally be considered. The fate of Tawerghan people (IDPs), displaced in 2011 and redispersed by the conflict, now staying in the open in Benghazi, as well as that of registered refugees who remained in the country (allegedly around 14 000 people) is of particular concern. A number of agencies have also started to provide structured psychosocial assistance to IDPs as well as recreational activities for children. Such activities should be continued.

While for the time being hampered humanitarian access hinders the conduction of an exhaustive needs assessment, according to UNHCR, it is estimated that over 393 400 people have been internally displaced since May.¹ Continued fighting in Benghazi and Derna in the East, as well as in Ubari in southern Libya have caused an additional displacement wave that UNHCR estimates in the range of 106 420 more IDPs since October 2014 (of whom 56 500 have fled Benghazi). It is difficult under the current circumstances to assess how many are still displaced and among the displaced, how many are actually registered and in need of assistance. However, it could be assumed that those Libyans who could afford it have already left the country and all those who are currently displaced would require support.

1.2 Identified humanitarian needs

Lack of access to fighting and displacement areas, coupled with a high volatility of the conflict, makes it difficult to assess the extent of humanitarian needs in the country: while fighting ceased in Tripoli, thus allowing a number of Libyans to go back to their homes, the conflict spread to new cities in October (Ubari, Zintan, Kikla, Garyan), leading to new displacements and additional needs.

Main needs in the 35 assessed displacements cities are for food, shelter and NFIs, medical assistance and psycho social support as well as for protection. The approaching winter will also increase the need for warm clothing, heaters and insulated shelter.

Food assistance: the extent of needs in the sector is yet to be defined. WFP is currently conducting a Vulnerability Analysis and Mapping (VAM) in Libya that should help defining needs and preparing an adequate response to those. In the meantime, the Libyan Red Crescent Society (LRCS), WFP and other organizations

¹ UNHCR briefing note 14.11.2014

have provided food parcels to IDPs, migrants and asylum-seekers in their areas of displacements, both in the East, South and in the West of the country.

Non-food items: hygiene parcels, mattresses and blankets as well as kitchen sets are the most requested items by people on the move. As winter approaches, specific attention should be given to adapt the content of NFI parcels to the needs of the most vulnerable, women, children and the elderly in particular.

Shelter: many IDPs are staying with host families. Nevertheless, their capacity to assist people displaced by the conflict over time is unknown. Recent displacements from Derna and Benghazi in particular have forced hosting cities to close down schools so as to accommodate IDPs. As the winter comes, insulated shelter is needed, as well as support to host families.

Health and psychosocial support: the Libyan health system is bearing the brunt of the ongoing conflict. Many foreign nurses and doctors left the country, leaving national staff with an increased burden, further compounded by the inflow of injured in hospitals on the front line. Providing health centres confronted to such influx with essential medical supplies and medicines remains a priority. The management of disease outbreaks should also be considered in a context where sub-Saharan migrants cross the country en route to Europe.

Community-based psychosocial assistance to IDPs and migrants is also required, along with continuous training of service providers.

Protection: protection services for people of concern (IDPS, refugees, asylum-seekers, migrants) are also needed. Support to stranded migrants, to migrants in detention centres as well as to registered refugees remaining in Libya is of particular importance in a context where animosity and discrimination against foreigners tend to increase.

Land mines and unexploded ordnances: the legacy of the civil war in 2011 and the current conflict have made it necessary to reduce the threat posed by explosive remnants of war (ERW) and to protect the civilian population from abandoned and unexploded ordnance as well as to increase safe practices and behaviour of communities living in affected areas.

1.3 Risk assessment and possible constraints

Since July 2014, international staff of humanitarian organisations and agencies has left Libya. Most International non-governmental organizations (INGOs), international organizations and UN partners continue operating with local staff, which could possibly put them at risk.

Most humanitarian operators also operate through a limited number of local organizations, such as the Libya Red Crescent Society (LRCS) or the Taher AlZawi Foundation (Western Libya), with a risk of stretching their capacity in a context where fighting has spread to new areas in October and November 2014.

As there is not a unified registration mechanism of IDPs, a distinction should be made between those who are actually registered with local authorities (local crises committees) or with the LRCS, those who are not registered and among both

categories, those in need of assistance. Identifying the most vulnerable (single-headed households, female-headed households, separated children, elderly, handicapped, etc.) and targeting them is a matter of priority.

Access constraints to certain areas exposed to fighting equally makes it difficult to reach out to the most in need or to supply health facilities with urgent medical supplies.

Should the conflict continue, the risk that humanitarian interventions are suspended does exist. Coping strategies should be proposed by implementing partners if such occurrence happens.

Remote management of Union- funded operations should be used only as a last resort.

In such polarised environment, maintaining the reality of humanitarian principles is of utmost importance.

2 Proposed EU humanitarian response

2.1 Rationale

The EU/Commission already released EUR 715 774 as a humanitarian response to the crisis, through a contribution to the Disaster Relief Emergency Fund ('DREF') operation of IFRC, as well as 2 small-scale actions implemented by the International Organization for Migration ('IOM') and the International Medical Corps ('IMC'). It is nevertheless too early to assess the outcome of these operations.

Based on information from a wide range of sources, an urgent intervention is proposed targeting the most affected and the most vulnerable. Gender issues require a special attention to avoid discrimination and do-no-harm approach.

The EU/Commission will prioritise the humanitarian interventions based on the latest needs assessments. The support will be provided in most affected areas, and where the displaced are hosted. The proposed financing decision will focus on the most acute needs identified on the ground by local and international organizations, throughout the country.

2.2 Objectives

- Principal objective: to alleviate the consequences of the ongoing conflict on the displaced population and other people of concern throughout Libya.

- Specific objective: to provide essential humanitarian assistance and protection to the most vulnerable IDPs, refugees, migrants and asylum-seekers who are victims of the ongoing conflict in Libya.

2.3 Components

Food assistance: support to the Emergency Operation (EMOP) of the World Food Programme is envisaged, should the joint UN rapid assessment demonstrate that needs exist for structured assistance to the displaced population in the mid-term, and

that food aid can reach the most vulnerable. Other partners could also be supported for the provision of food parcels to IDPs in the first days of displacement.

Non-food items: at the onset of winter, the provision of adapted household and hygiene items to most exposed IDPs will be considered.

Shelter: priority will be given to providing adequate shelter to newly displaced people.

Health and psychosocial support: the continued provision of essential medical supplies and medicines to hospitals and health centres in the front line is foreseen. Psychosocial support to IDPs and other people of concern could also be envisaged, if delivered by fully trained and operational staff.

Protection: specific support to vulnerable IDPs (single-headed households, female-headed households, separated children, elderly, handicapped, etc.) should be included in a standard package of assistance. Protection of vulnerable migrants, refugees or asylum-seekers could also be considered for funding.

2.4 Complementarity and coordination with other EU services, donors and institutions

In September 2014, the Humanitarian Country Team (HCT) launched the Libya Humanitarian Appeal for an amount of USD 35.25 million. No pledges have been made so far and donors have shown limited interest. A request to the Central Emergency Response Fund (CERF) for a USD 4 million contribution is being prepared by the HCT.

The European Commission' Directorate-General for Humanitarian Aid and Civil Protection ('ECHO') is closely coordinating with other humanitarian actors and relief organisations on the ground in Libya and Tunisia (see table 3 in annex).

ECHO is also closely coordinating with the European Commission's Directorate General for Development Cooperation ('DEVCO') to avoid double funding. Some of the EU/Commission's potential humanitarian aid partners are already funded to enhance Libya capacity to manage migration flows crossing the country, as well as to assist the people in need of international protection. With part of this funding being reoriented to support the current emergency, complementarity of funding will be sought.

2.5 Duration

The duration of humanitarian aid actions shall be **6 months**.

Expenditure under this Decision shall be eligible from 1 December 2014.

If the implementation of the actions envisaged in this Decision is suspended due to force majeure or any comparable circumstance, the period of suspension will not be taken into account for the calculation of the duration of the humanitarian aid actions.

Depending on the evolution of the situation in the field, the Commission reserves the right to terminate the Agreements signed with the implementing humanitarian organisations where the suspension of activities is for a period of more than one third

of the total planned duration of the action. In this respect, the procedure established in the general conditions of the specific agreement will be applied.

3 Evaluation

Under Article 18 of Council Regulation (EC) No.1257/96 of 20 June 1996 concerning humanitarian aid the Commission is required to "regularly assess humanitarian aid actions financed by the Union in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent actions." These evaluations are structured and organised in overarching and cross cutting issues forming part of ECHO's annual General Guidelines for Operational Priorities on Humanitarian Aid such as child-related issues, the security of relief workers, respect for human rights, gender. Each year, an indicative Evaluation Programme is established after a consultative process. This programme is flexible and can be adapted to include evaluations not foreseen in the initial programme, in response to particular events or changing circumstances. More information can be obtained at:

<http://ec.europa.eu/echo/en/funding-evaluations/evaluations>.

4 Management Issues

Humanitarian aid actions funded by the European Union are implemented by NGOs and the Red Cross National Societies on the basis of Framework Partnership Agreements (FPA), by Specialised Agencies of the Member States and by United Nations agencies based on the Financial Administrative Framework Agreement with the UN (FAFA) in conformity with Article 178 of the Rules of Application of the Financial Regulation. These Framework agreements define the criteria for attributing grant agreements and financing agreements in accordance with Article 94 of the Rules of Application and may be found at

<http://ec.europa.eu/echo/en/partnerships/humanitarian-partners>.

For NGOs, Specialised Agencies of the Member States, Red Cross National Societies and international organisations not complying with the requirements set up in the Financial Regulation applicable to the general budget of the European Union for indirect management, actions will be managed by indirect management.

For international organisations identified as potential partners for implementing the Decision, actions will be managed under indirect management.

Individual grants are awarded on the basis of the criteria enumerated in Article 7.2 of the Humanitarian Aid Regulation, such as the technical and financial capacity, readiness and experience, and results of previous interventions.

5 Annexes

Annex 1 - Summary decision matrix (table)

Principal objective To alleviate the consequences of the ongoing conflict on the displaced population and other people of concern throughout Libya.				
Specific objectives	Allocated amount by specific objective (EUR)	Geographical area of operation	Activities	Potential partners²
To provide essential humanitarian assistance and protection to the most vulnerable IDPs, refugees, migrants and asylum-seekers who are victims of the ongoing conflict in Libya.	2,000,000	Libya		<u>Direct management</u> - CESVI-IT - DRC-DK - FEDERATION HANDICAP-FR - IMC-UK <u>Indirect management</u> - CICR-CH - FICR-CH - IOM-CH - UNHCR-CH - UNICEF-US - WFP-IT - WHO Other FPA and FAFA partners with demonstrated presence in the country.
Contingency reserve	0			
TOTAL	2,000,000			

² CESVI Fondazione Onlus Associazione, COMITE INTERNATIONAL DE LA CROIX-ROUGE (CICR), DANSK FLYGTNINGEHJAEPL, FEDERATION HANDICAP INTERNATIONAL, FEDERATION INTERNATIONALE DES SOCIETES DE LA CROIX-ROUGE ET DU CROISSANT ROUGE, INTERNATIONAL ORGANIZATION FOR MIGRATION (INT), International Medical Corps UK, UNICEF, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, WORLD FOOD PROGRAM, WORLD HEALTH ORGANIZATION

Annex 4 - Map



Annex 5 - Statistics on humanitarian situations

Population (million)	HDI Value	HDI Rank	Life expectancy at birth	Mean years of schooling	GNI per capita (2011, USD)
6.2	0.784	55	75.33	7.52	21,665

Global Vulnerability Index (VI): 2.25
 Global Crisis Index (CI): 10.562