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COMMISSION IMPLEMENTING DECISION

of 15.12.2015

**financing humanitarian aid operational priorities from the 2016 general budget of the
European Union
ECHO/WWD/BUD/2016/01000**

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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 2016 will, in all likelihood, remain challenging, with similar trends to those experienced in 2015 with the intensity and range of crises surpassing the levels encountered in previous years, 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 2015 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 and to provide an appropriate allocation of funds

- (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 Syria, Iraq, Yemen, Libya, Ukraine, Colombia, South Sudan, Mali, Somalia, 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 and host communities. Where possible, it should also prepare conditions for a proper transition towards longer term interventions (Linking Relief Rehabilitation and Development - LRRD) and build the resilience of the most vulnerable populations. It is in those contexts that 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 is the case in Somalia, Pakistan, Afghanistan and Chad. Such 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.
- (4) In keeping with its Communication on Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration⁴, the Commission has amended the draft budget for 2016 so as to request the budgetary authority to increase the humanitarian aid appropriations in the budget for 2016 by EUR 150 000 000. The present Decision fully takes that amount into account, which seeks to help address the essential needs (such as food and shelter) of refugees fleeing from Syria and Iraq in neighbouring countries (including Lebanon, Jordan, Turkey, Egypt) and beyond (in particular the Western Balkans). The Commission also intends to request an additional amount of EUR 150 000 000 in the course of 2016 from the Emergency Aid Reserve, so as to reach an overall increase of EUR 300 000 000 in 2016.
- (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 rely on Union humanitarian assistance, including food assistance, nutrition and protection. Recurrent acute humanitarian needs have been identified in various situations, such as Myanmar, 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) An estimated 230 million children live in conflict-affected areas and over half of the world's refugees are below 18 years old. It is estimated that around 34 million children affected by conflict are currently out of school. The impact of conflicts on these children is often long lasting and can lead, in the context of protracted crises, to situations where the lack of proper education is conducive to perpetuating violence, as these children replicate as adults the violent patterns that they experienced in their childhood. Education is vital for economic growth, peace and the stability of countries.

⁴ COM(2015) 490 final of 23.9.2015.

It is also often identified as a primary priority by affected communities themselves. The Commission intends to scale-up its support towards education in emergencies dedicating up to 4% of the Union humanitarian aid budget to education in emergencies in 2016.

- (7) 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.
- (8) 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.
- (9) Local communities are particularly vulnerable to natural disasters. The losses these disasters cause are significant 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, including small-scale mitigation. Disaster Preparedness ECHO (DIPECHO), the Commission's disaster preparedness programme in the framework of humanitarian aid, applies to the most disaster-prone regions in the world which, due to their topography, geology and climate, are exposed to a variety of natural disasters such as floods, hurricanes, droughts, landslides, earthquakes and cyclones, tidal waves/tsunamis, volcanic eruptions, flash floods, forest fires, cold spells and storms.
- (10) Strengthening global humanitarian preparedness and the response capacity of humanitarian organisations is key in addressing the global increase in humanitarian needs. Following extensive consultations with fellow donors, Commission partners and other humanitarian actors in 2008 and 2009, the main 'gaps' and weaknesses in the global humanitarian system were identified, and presented in the Commission 2009 Guidelines for Enhanced Capacity Building. Based on these Guidelines, Enhanced Response Capacity building of international organisations and non-governmental organisations provides for longer term efficiency, effectiveness and timeliness of humanitarian aid operations.
- (11) 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.
- (12) Public awareness, information and communication actions complement and highlight the humanitarian assistance provided by the European Union. The Commission's communication approach for humanitarian aid has been developed to take into account the specificity of humanitarian aid, with a view to preserving a distinct identity for impartial, needs-based humanitarian action. It aims at enhancing knowledge and understanding, in the Union and globally, of Union-funded humanitarian aid through awareness, information and communication actions on humanitarian aid operations

implemented in the framework of the partnership between the Commission and humanitarian partner organisations. Communication actions in 2016 will also contribute, where appropriate, to the corporate communication of the Commission, and in particular to the corporate theme dealing with the EU's role in the world (currently 'EU as a global actor').

- (13) According to the European Consensus on Humanitarian Aid⁵, 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. The Network on Humanitarian Action (NOHA) provides quality European education in the humanitarian field, combining elements of teaching, training and research designed to promote greater professionalism among humanitarian workers and involves several participating universities. The NOHA's Master's Programme in Humanitarian Action also provides an academic platform and educational resources for facilitating access to training in donors' best practices and for awareness raising activities, and to promote research on key humanitarian issues.
- (14) Children affected by conflict are a particularly vulnerable group. Therefore, this Decision also provides support for children affected by conflict notably through education in emergencies. Humanitarian assistance can reduce the vulnerability of children in conflict areas, for these children, education can be lifesaving, as it can give them a sense of normalcy, safety, teach them important life skills and restore the hope for a better life. Investing in education is an investment for the future and the reconciliation of war-torn societies, preventing children, especially in protracted conflict-contexts, to become a lost generation.
- (15) 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.
- (16) The European 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 2016 of the European Union under the Food Assistance Convention.
- (17) 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 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.
- (18) Actions in the field of academic education and research on humanitarian action should be implemented by key research institutes and European universities which are

⁵ OJ C 25, 30.1.2008, p. 1.

members of the NOHA Network. Therefore, the Commission should implement the budget with respect to these actions by direct management.

- (19) Policy-support actions should be implemented either by humanitarian organisations that are signatories to the Framework Partnership Agreement (FPA) or which otherwise fulfil the eligibility and suitability criteria established under Article 7 of Council Regulation (EC) No 1257/96, by European research institutes, universities, academic and policy institutions active in the area of humanitarian aid, and by Voluntary Organisations in Cooperation in Emergencies (VOICE). Therefore, the Commission should implement the budget to finance these actions by direct management or by indirect management as the case may be.
- (20) 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 could be eligible for Union funding.
- (21) It is estimated that a total amount of EUR 930 997 848 of which EUR 893 097 848 from budget article 23 02 01 and EUR 37 900 000 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. 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 1268/2012 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 Union⁶, could agree to the full financing of actions.
- (22) 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.
- (23) 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.
- (24) 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.
- (25) This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012.
- (26) 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. 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.
- (27) 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,

⁶ OJ L 362, 31.12.2012, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

1. A maximum amount of EUR 930 997 848, of which EUR 893 097 848 from budget article 23 02 01 and EUR 37 900 000 from budget article 23 02 02, of the 2016 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 714 700 000 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 122 762 848 from budget article 23 02 01 is allocated to this specific objective.

- (c) Provide humanitarian assistance for response and disaster preparedness to populations affected by disasters where a small scale response is adequate and to populations affected by epidemic outbreaks.

A total of EUR 7 500 000 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 37 900 000 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 48 135 000 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 15 000 000 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.

A total of EUR 13 435 000 from budget article 23 02 01 is allocated to this sub-specific objective.

(iii) Increase awareness, understanding and support on the part of Union citizens for humanitarian aid issues and the role which the European Union plays in the field, by organising high impact communication actions designed to enhance awareness, knowledge, understanding and support for humanitarian issues and to highlight the partnership between the Commission and its partners in delivering relief assistance to people affected by humanitarian crises. Communication actions in 2016 will also contribute, where appropriate, to the corporate communication of the Commission, and in particular to the corporate theme dealing with the EU's role in the world (currently "EU as a global actor").

A total of EUR 4 000 000 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.

(v) Support children affected by conflict, specifically through education in emergencies and crisis situations.

A total of EUR 15 000 000 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 the increase of the maximum contribution authorised by this Decision up to 20%.
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 2016 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 24 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. 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), (e)(iii) and (e)(v).
 - (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 which are members of the NOHA network or directly by the Commission, for the purposes of Article 1(2) points (e) (iv).
3. 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 service or procurement contracts.

Article 4

The implementation of this Decision is subject to the availability of the appropriations provided for in the draft budget for 2016 after the adoption of the budget by the budgetary authority or provided for in the provisional twelfths.

Done at Brussels, 15.12.2015

For the Commission
Christos STYLIANIDES
Member of the Commission