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**COMMISSION IMPLEMENTING DECISION**

of **XXX**

**on an exceptional assistance measure in favour of the Western Balkans**

# COMMISSION IMPLEMENTING DECISION

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**on an exceptional assistance measure in favour of the Western Balkans**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace<sup>1</sup>, and in particular Article 7 thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012<sup>2</sup>, and in particular Article 110 thereof,

Whereas:

- (1) The current estimated number of migrants, asylum seekers and refugees in the Western Balkans is approximately 15,000, with 94 per cent currently in Bosnia and Herzegovina and Serbia. Governments in the region have declared a state of emergency and taken strong measures to prevent the further spread of the new Coronavirus disease (COVID-19). Living conditions for migrants, asylum seekers and refugees remain dire, with many not having access to adequate infrastructure, electricity, water and medical services. They also have little access to reliable information, including on COVID-19 related restrictions on movement. Most of the migrants and refugees who were initially only transiting through the Western Balkans will now be staying in these countries for an indefinite period of time. This may have implications on their own well-being, but also on the capacity of host communities to welcome, host and support them, with the high risk of tensions between and within communities being further exacerbated in already fragile contexts. The present situation makes it necessary to adopt an exceptional assistance measure to support the Western Balkans.
- (2) In order to ensure the implementation of measure, it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (3) The planned assistance is to comply with the conditions and procedures set out by the restrictive measures<sup>3</sup> adopted pursuant to Article 215 TFEU.

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<sup>1</sup> OJ L 77, 15.3.2014, p. 1.

<sup>2</sup> OJ L 193, 30.7.2018, p. 1.

<sup>3</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu). Note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy, the OJ prevails.

- (4) The objective of the measure set out in this Decision is to increase resilience and the ability to cope with the consequences of the COVID-19 outbreak in the Western Balkans in order to remedy exceptional and unforeseen situations as referred to in points (a) and (b) of Article 3(1) of Regulation (EU) No 230/2014.
- (5) In accordance with points (f), (k), (o) and (q) of Article 3(2) of Regulation (EU) No 230/2014, the activities set out in this Decision will increase capacities in existing reception centres; identify alternative accommodation; provide tailored information on COVID-19 to migrants, refugees and asylum seekers; strengthen mental health and psycho-social support capacities; and help migration and border management agencies as well as local actors to address the COVID-19 outbreak. Specific attention will be paid to unaccompanied minors and to girls as well as women at risk or victims of sexual and gender-based violence.
- (6) The effectiveness of the Union response to the situation referred to in recital (1) depends on the rapid and flexible implementation of an exceptional assistance measure of limited duration in accordance with Article 7(2) of Regulation (EU) No 230/2014.
- (7) The measure provided for in this Decision is complementary to assistance provided under other Union short-term or long-term external assistance instruments. No fully adequate response can be provided under those instruments to the specific needs being addressed. Therefore, an adequate and effective response requires the mobilisation of the instrument contributing to stability and peace, in accordance with Article 2(3) of Regulation (EU) No 230/2014.
- (8) The measure provided for in this Decision is consistent with the Union strategic policy framework for the Western Balkans. Synergies and complementarities are expected with other Union interventions, as detailed in point 7 of the Annex.
- (9) In order to address the challenges facing the Western Balkans region due to the COVID-19 pandemic in the most effective and inclusive way, it is necessary to use indirect management for the implementation of the measure.
- (10) The Commission is to ensure a level of protection of the financial interests of the Union with regard to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of Regulation (EU, Euratom) 2018/1046. To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of Regulation (EU, Euratom) 2018/1046<sup>4</sup> and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.
- (11) In accordance with Article 193(2) of Regulation (EU, Euratom) 1046/2018, the Commission should authorise the eligibility of costs as of a date preceding that of submission of a proposal, which is prior to the date of adoption of this Decision, for reasons of extreme urgency in crisis management aid or in situations of imminent or immediate danger to the stability of the Western Balkans, including by an armed conflict, where an early engagement of the Union may prevent an escalation.
- (12) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.

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<sup>4</sup> Except for the cases set out in Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide not to require an ex-ante assessment.

- (13) In order to allow for flexibility in the implementation of the measure, it is appropriate to define changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.
- (14) The Council has been informed of the exceptional assistance measure to be adopted by this Decision, in accordance with Article 7(4) of Regulation (EU) No 230/2014,

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The measure*

The financing decision for the implementation of the exceptional assistance measure, as set out in the Annex, is adopted.

The measure shall include the following action:

Annex: 'Emergency support to migrants and refugees stranded in the Western Balkans'.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the measure is set at EUR 8 000 000, and shall be financed from the appropriations entered in the budget line 19 02 01 of the general budget of the Union for 2020.

The appropriations provided for in the first paragraph may also cover interest due for late payment.

*Article 3*  
*Methods of implementation and entrusted entities or persons*

The implementation of the actions carried out by way of indirect management, as set out in the Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 6 of that Annex.

The eligibility of costs prior to the submission of a proposal and which is prior to the date of adoption of this Decision shall be authorised as of the date set out in the Annex.

*Article 4*  
*Duration of the measure*

The maximum duration of the exceptional assistance measure adopted under this Decision shall be 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 7(2) of Regulation (EU) No 230/2014.

If the implementation of this measure or any of its components is suspended owing to 'force majeure' or circumstances beyond the control of the contracting authority and its implementing partner(s), the period of suspension shall not be taken into account for the calculation of the duration of the implementation of this measure.

*Article 5*  
*Flexibility clause*

Increases or decreases not exceeding 20 % of the contribution set in the first paragraph of Article 2 of this Decision, or cumulated changes to the allocations of specific actions not exceeding 20 % of that contribution, as well as extensions of the implementation period shall not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046 where those changes do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Done at Brussels,

*For the Commission*  
*Josep Borrell Fontelles*  
*Vice-President*