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ANNEX

Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe

Exceptional Assistance Measure regarding Ukraine

1. IDENTIFICATION

Action:	Support to the protection of civilians and safeguarding cultural heritage in Ukraine
Action Reference:	NDICI CR 2023/20
Cost:	EUR 5 000 000 (European Union (EU) contribution).
Budget Line:	14 02 03 10
Duration:	Maximum 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 23(6) of Regulation (EU) 2021/947.
Lead service:	FPI

2. ACTION SUMMARY

This 18-month measure will continue to provide urgent support to the protection of civilians and the safeguarding of cultural heritage in Ukraine. A first component will provide further support to the protection of civilians by engaging with voluntary groups within the Ukrainian Armed Forces regarding their obligations under International Humanitarian Law. Support will be provided to help the Ukrainian Armed Forces identifying appropriate responses to community needs for protection and designing approaches to civil-military interactions. A second component will provide continued support to the safeguarding and protection of Ukrainian cultural heritage against the Russian war of aggression, ahead of future full restoration, and by continuing to support the protection and potential evacuation of collections and items.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

More than a year after the beginning of the Russian war of aggression against Ukraine, the full-scale military invasion has resulted in a devastating recorded number of casualties and continues to have a heavy impact on all areas of civilian life in Ukraine. This is felt most

severely by communities in frontline and adjacent territories, who face the consequences of military combats in their immediate proximity and the interruption of basic public services in their everyday lives. The Russian aggression also continues to cause wide-spread damages to infrastructure in Ukraine, including cultural heritage sites and monuments. The second Rapid Damage Needs Assessment report estimates the damage to historic cities, buildings, sites and cultural properties and collections alone at US\$ 2.6 billion, and many sites remain at high risk of further destruction.

3.2 RATIONALE FOR CRISIS RESPONSE ACTIONS UNDER THE RAPID RESPONSE PILLAR OF THE NEIGHBOURHOOD, DEVELOPMENT AND INTERNATIONAL COOPERATION INSTRUMENT

The continued threats to civilian lives and cultural heritage sites in Ukraine as result of the Russian war of aggression constitutes an exceptional and unforeseen situation in the sense of Article 4(4)(a) of the NDICI Regulation. An adequate response cannot be provided under any other European Union Instrument due to the urgency with which the funds are required and due to available resources already being firmly committed.

Annex IV, paragraph 1, second paragraph, points (g), (l) and (n) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to (g) support for measures necessary to start the rehabilitation and reconstruction of key infrastructure, housing, public buildings and economic assets, and essential productive capacity, as well as other measures for the re-starting of economic activity, the generation of employment and the establishment of the minimum conditions necessary for sustainable social development; (l) support for measures to ensure that the specific needs of women and children in crisis and conflict situations, including preventing their exposure to gender-based violence, are adequately met, and (n) support for measures to promote and defend respect for human rights and fundamental freedoms, democracy and the rule of law, and the related international instruments.

3.3 RISKS AND ASSUMPTIONS

Risk	Risk level H/M/L	Mitigation measures
The ongoing attacks throughout Ukraine might reduce the ability of implementing partners and Ukrainian authorities to perform the planned activities.	H	The implementing partners to be selected will be required to have a clear protocol for operating in conflict affected areas with sufficient safeguarding and protective measures in place as well as a track record of being able to imminently start work in the affected areas.
Lack of coordination among donors resulting in duplication of efforts or inefficient allocation of resources.	M	Continued coordination will be pursued and the action will specifically include provisions for improved donor coordination within the EU, EU Member States and other partners.

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to strengthen the protection of civilians and the safeguarding of cultural heritage in Ukraine.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 The first component of this action aims to improve the protection of civilians
- 4.2.2 The second component of this action aims to strengthen the safeguarding of cultural heritage in Ukraine.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): The protection of civilians in Ukraine is improved.

Activities (indicative):

- 5.1.1 Provision of situation-based trainings and outreach activities regarding civil-military interactions with the Armed Forces of Ukraine;
- 5.1.2 Awareness raising regarding obligations under International Humanitarian Law amongst voluntary groups;
- 5.1.3 Establishing memoranda of understanding and manuals for improved protection of civilians and civil-military interactions.

Expected Result (2): The safeguarding of cultural heritage sites in Ukraine is strengthened.

Activities (indicative):

- 5.2.1 Support the protection and stabilization of (damaged) cultural heritage sites in Ukraine;
- 5.2.2 Support the cataloguing and documentation of collections;
- 5.2.3 Support the work of Ukrainian cultural heritage professionals.

6. IMPLEMENTATION

6.1 IMPLEMENTATION MODALITIES

The Commission will ensure that the appropriate EU rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹.

¹ www.sanctionsmap.eu Please 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 between the published legal acts and the updates on the website, it is the OJ version that prevails.

6.1.1 Grant: direct award (direct management)

(a) Purpose of the grant

Grants will be awarded for the implementation of components 1 and 2 and the achievement of objectives 4.2.1 and 4.2.2, as set out in detail in section 5 above, results 1 and 2.

(b) Type of applicants targeted

The type of applicants targeted are non-profit organisations and private companies with relevant expertise in the intervention area and the ability to roll out activities with immediate effect.

(c) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because **the action entails crisis management aid as referred to in Article 195(a) and as defined in Article 2(21) of the Financial Regulation** at the date of the Financing Decision.

(d) Exception to the non-retroactivity of costs

The Commission authorises that the costs incurred may be recognised as eligible as of 1 June 2023 because of the urgency of the crisis situation in Ukraine.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 5 000 000**. A breakdown among components is provided hereunder, and is indicative.

Indicative budget breakdown

Components	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
Component 1: Support to the protection of civilians, composed of	3 000 000	
6.1.1 – Two Direct grants (direct management)	3 000 000	N/A
Component 2: Strengthening safeguarding of cultural heritage in Ukraine, composed of	2 000 000	
6.1.1 – Direct grant (direct management)	2 000 000	N/A
Total	5 000 000	

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under direct management. It will be devolved and sub-delegated to the **European Union Delegation in Ukraine**, with the support of the Commission for the conclusion of the contracts implementing the action.

6.4 PERFORMANCE AND RESULTS MONITORING AND REPORTING

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final report. Each report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and outcomes) as measured by corresponding indicators, using as reference the Logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

6.5 EVALUATION

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

The Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

6.6 AUDIT

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

6.7 COMMUNICATION AND VISIBILITY

The 2021-2027 programming cycle has adopted a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

The 2022 "Communicating and Raising EU Visibility: Guidance for external actions" reference document shall be used to establish the appropriate contractual obligations.

7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP

The activities under this measure will be built on the experiences and lessons-learned from previous exceptional assistance measures providing support to the protection of civilians such as humanitarian demining, early recovery in liberated areas and safeguarding of cultural heritage in Ukraine. It will be coordinated closely with the support provided by DG ECHO (through humanitarian aid and the European Union Civil Protection Mechanism), as well as with international support to the provision of basic services in war affected areas.