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ANNEX

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

Exceptional Assistance Measure regarding Ukraine

1. IDENTIFICATION

Action: Supporting innovative and efficient approaches to humanitarian mine action and countering disinformation

Action Reference: NDICI CR 2023/46

Cost: EUR 11 000 000 (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.

Maximum 18 months

Lead service: FPI

2. ACTION SUMMARY

This action aims to both ensure that Ukraine's response to the scale of the unexploded ordnance contamination will be fit to address the challenges in a timely and effective manner and that its capacity to counter foreign information manipulation can be maintained and strengthened. A first component will provide assistance to further enhance governance and strengthen innovation in the mine action sector with regard to processes, financing mechanisms, and equipment in alignment with the new national mine action strategy. This will include technical assistance for the implementation of the mine action strategy, which is scheduled for adoption towards the end of 2023. The measure will also include support to inclusion of innovative technologies and incentivising and enabling the use of domestically-produced mine action equipment, as well as assistance to designing and piloting innovative financing for example through new models of public-private cooperations in alignment with the mine action strategy. Further support will be provided to pilot innovative processes to accelerate land being brought back into use or released formally, in particular through the application of the no-evidence-of-mines-concept and optimizing land-release operating procedures, methodologies and technical capacities as per the national mine action strategy. Where necessary this will include the procurement of equipment. These activities will support and complement the work of Ukraine's

state mine action operators, by contributing to the goal of enhanced land-use and land-release. A second component will continue the provision of urgent support to strengthening the Ukrainian capacity to effectively detect and counter disinformation via its Strategic Communication Centre.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

Ukraine is facing a large-scale challenge of mines and other explosive remnants of war as the result of Russia's war of aggression, which left it as the most mine-contaminated country worldwide since World War II. Up to 30% of Ukraine's territory, equalling 170,000 km², is at risk of being mine-contaminated and requires assessment. The threat is constituted by anti-tank and anti-personnel mines as well booby-traps, and unexploded artillery shells and missiles that are found across the territory, including on agricultural fields and in public areas and buildings. In addition to threatening human lives, these prevent the stabilisation of liberated and adjacent territories and the return of economic activity, including agricultural production. The recent damaging of the Nova Kakhovka dam has furthermore put the focus on the specific challenge of under-water mines, which are placed in lakes and rivers and can later resurface in different locations. With the support of its international partners, Ukraine has significantly scaled up its mine action activities in response to the challenge. As part of the national mine action strategy currently under preparation, the government is elaborating an approach to allow the release of as much land to civilian use as quickly as possible and has set out the ambitious goal of releasing 80% of potentially contaminated land within the next 20 years. This includes applying a principle of no evidence of mines, which allows for rapid initial determination of whether further processing of suspected areas is needed or whether land can be put back into use immediately. This approach is crucial to focus limited technical assets to the areas where they are most needed while also generating rapid recovery dividends from a more strategic mine action approach. Beyond the immediate combat operations in Ukraine and their impact on civilian lives and the economy, targeted foreign information manipulation is ongoing both in Ukraine and globally, with the aim to undermine the international support to Ukraine and spread misinformation about the nature of Russia's illegal full-scale invasion of Ukraine.

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

The wide-spread contamination with mines and other explosive ordnance in Ukraine as well and targeted efforts at spreading misinformation relating to Russian war of aggression against Ukraine, constitute 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 (f), (j) and (n) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to provide (f) support for reinforcement of State capacity - in the face of significant pressures to rapidly build, maintain

or restore its core functions, and basic social and political cohesion; (j) support for measures to address, within the framework of Union cooperation policies and their objectives, the socio-economic impact on the civilian population of anti-personnel landmines, unexploded ordnance or explosive remnants of war. Activities financed under the Instrument may cover, inter alia, risk education, mine detection and clearance and, in conjunction therewith, stockpile destruction, 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 |
|---|-----------------------------|--|
| Recontamination from landmines and / or explosive remnants of war. | L | The likelihood of recontamination from landmines is only expected if there is a significant change in the dynamics of the conflict and a structural reconfiguration of defensive positions or change in the control of territories. The likelihood of this in the target area is viewed as low and outweighed by the humanitarian imperative of mitigating the threat to civilians. It is possible that limited contamination may result from new shelling in the intervention area. Unexploded ordnance (UXO) from shelling can be easily detected and small targeted areas can be cleared again. |
| Controversy about the division of labour between different stakeholders in the mine action sector prevent the effective inclusion of innovative approaches. | M | The implementing partner to be selected will need to have demonstrated ability to work with all stakeholders in the national mine action sector according to the framework determined in the national mine action strategy. |
| Lack of coordination among donors resulting in duplication of efforts or inefficient allocation of resources. | M | The action will specifically include provisions for improved donor coordination within the EU and with other partners. The supported Ukrainian State humanitarian Mine Action and countering disinformation actors will coordinate the actions of mine action stakeholders in the country. |

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to support innovation and efficiency in the mine action sector and strengthen government capacities to counter targeted disinformation.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 Strengthening innovative approaches in the Ukrainian mine action sector for efficient mine action operations in alignment with the national mine action strategy;
- 4.2.2 Enhancing the capacity of the government of Ukraine to counter targeted disinformation efforts.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): The inclusion of innovative approaches in the national mine action sector of Ukraine are enhanced.

Activities (indicative):

- 5.1.1 Support for research, development and procurement of innovative technologies for mine action operations are strengthened;
- 5.1.2 Provision of technical assistance, mentoring and training to support national capacities for efficient management of the mine action sector;
- 5.1.3 Facilitation of the provision of effective mine action services aimed at the rapid return of land to civilian use, such as survey and targeted clearing operations are supported.

Expected Result (2): The capacities of the government of Ukraine to counter targeted misinformation efforts are strengthened.

Activities (indicative):

- 5.2.1 The operational capacities of the Ukrainian Centre for Crisis Communication are strengthened;
- 5.2.2 The integration of the work of the centre into ongoing civil society efforts is enhanced.

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.

6.1.1 Grant: direct award (direct management)

(a) Purpose of the grant

Grants may 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.

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.

(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 November 2023 because of the urgency of the crisis situation in Ukraine.

6.1.2 Indirect management with a pillar assessed entity

Part of this action may be implemented in indirect management with an entity/entities which will be selected by the Commission's services using the following criteria: ability to rapidly procure specialized demining equipment, ability to cooperate closely with Ukrainian authorities, ability to begin activities immediately. The implementation by this entity/these entities entails the activities necessary to achieve objective 4.2.1 as specified under the result areas in section 5, result 1.

Exception to the non-retroactivity of costs

The Commission authorises that the costs incurred may be recognised as eligible as of 1 November 2023 because the urgency of the crisis situation requires an immediate start of the activities.

6.1.3 Changes from indirect to direct management mode due to exceptional circumstances

If negotiations with an entrusted pillar assessed entity for the implementation as foreseen under 6.1.2. for component 1 or parts of the expected result areas fail, the achievement of objective 4.2.1, as set out in detail in section 5 above, may be wholly or partially implemented in direct management, with the direct award of grants using the same selection criteria as for indirect management described in 6.1.2.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 11 000 000**. 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 innovation in the mine action sector, composed of: | | |
| 6.1.1 – Direct grant (direct management) | 5 000 000 | N/A |
| 6.1.2 – Indirect management with a pillar assessed entity | 5 000 000 | N/A |
| Component 2: Strengthening response capacities to targeted disinformation, composed of: | | |
| 6.1.1 – Direct grant (direct management) | 1 000 000 | N/A |
| Total | 11 000 000 | N/A |

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under direct management for components 1 (in part) and 2 and under indirect management for part of component 1. 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 action will complement ongoing EU support in the mine action sector and contribute to reinforce the management of national mine action across operators and regions. The EU's Emergency Response Coordination Centre will be able to support the measure by coordinating the delivery of specialised equipment and expertise under the Union Civil Protection Mechanism. Given the high level of international support to mine action in Ukraine in the response to the ongoing crisis situation, particular emphasis will also be given to ensuring good coordination with other support initiatives by EU Member States and other donors, notably the G7.