

EN

ANNEX

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

Exceptional Assistance Measure regarding Ukraine

1. IDENTIFICATION

Action: Rapid response to locally identified needs

Action Reference: NDICI CR 2022/19

Cost: EUR 20 000 000 (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 18-month measure aims to respond to locally identified needs through a flexible rapid response mechanism that will source and then deliver items to where they are needed. A first component of the action will provide support to authorities and other key stakeholders to help them continue operating in high-risk environments. This will include procurement of equipment for civilian use and the provision of further assistance. The aim is to enhance the delivery of basic services to meet critical needs at national, regional or local level, including in areas affected by active fighting. This may include, but is not limited to, threat detection equipment, possibly including drones, radio and communication equipment, specialised personal protective equipment and other larger items such as generators, solar panels, etc. In light of the fast-changing needs in the ongoing crisis situation, sufficient flexibility to respond to a variety of civilian equipment needs will be provided. A second component of the action responds to a request from the Ukrainian government to provide support for the protection and safeguarding of cultural heritage items and sites in the country. This may include, but is not limited to, the documentation of assets and providing equipment for the protection, storage and, where needed and feasible, evacuation of cultural heritage goods.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

Since the start of the Russian war of aggression against Ukraine on 24 February, at least 1,276 civilians have been killed, at least 1,981 injured and more than 11.4 million persons displaced, and the damage caused to infrastructure is already well beyond \$100 billion according to the United Nations. The actual number of casualties is thought to be much higher, but cannot be fully assessed at the moment. The destruction has gravely impacted civilian infrastructure and housing including cultural heritage sites and works. As long as the war continues, it is to be expected that destruction will continue. During her visit to Ukraine, the European Commission President reiterated the EU’s continued support to the Ukrainian people by imposing sanctions on Russia and by providing direct support to Ukraine. These sanctions focus on key sectors, such as finance, trade, transport, defence, and media and targeting political and military elites as well as some prominent Russian oligarchs.

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

Due to the ongoing Russian war of aggression against Ukraine, Ukrainian authorities require assistance to be able to continue to working in high-risk contexts and to protect cultural heritage sites and items, constituting an exceptional and unforeseen situation in the sense of Article 4(4) 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) and (r) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to (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, and (r) support for measures in response to natural or man-made disasters which pose a threat to stability, and to threats to public health linked to pandemics, in the absence of, or by way of complement to, Union humanitarian and civil protection assistance.

3.3 RISKS AND ASSUMPTIONS

Risk	Risk level H/M/L	Mitigation measures
The ongoing combat operations and attacks throughout Ukraine might impact the ability of implementing partners and Ukrainian authorities to implement 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	M	Continued coordination among EU actors will be pursued and the action will specifically include provisions for improved donor coordination with the EU, EU Member

inefficient allocation of resources.		States and other partners.
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4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to provide support to Ukrainian authorities and other key stakeholders to respond to locally identified needs relating to the delivery of public services in high-risk environments.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 Enable Ukrainian authorities and other key stakeholders to continue working in high-risk environments relating to the delivery of public services such as helping to ensure the continuation of civil policing and investigation, State emergency services, health care, the protection of collective assets from damage, or enabling the maintenance of further public functions such as transport or garbage removal, etc.;
- 4.2.2 Support Ukrainian authorities in the protection of cultural heritage items and sites in Ukraine.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): Ukrainian authorities and other key stakeholders are enabled to continue working in high-risk environments.

Activities (indicative):

- 5.1.1 Procurement of various types of equipment for civilian use in response to locally identified needs;
- 5.1.2 Storage, transport and distribution of such equipment.

Expected Result (2): Ukrainian authorities and other key stakeholders are supported in the protection of cultural heritage items and sites in Ukraine.

Activities (indicative):

- 5.2.1 Support Ukrainian authorities in the mapping and assessment of the protection needs of cultural heritage items and sites;
- 5.2.2 Procurement of specialised protective equipment for cultural heritage items;
- 5.2.3 Support Ukrainian cultural heritage professionals in the continuation of their work.

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

A grant will be awarded for the implementation of component 2 and the achievement of objective 4.2.2, as set out in detail in section 5 above, result 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 March 2022 because of the situation of urgency for crisis response and the situation of immediate danger to the stability of Ukraine, where an immediate engagement of the Union may contribute to mitigating the consequences of the conflict for civilians.

6.1.2 Indirect management with a Member State Organisation

A part of this action may be implemented in indirect management with an entity which will be selected by the Commission's services using the following criteria: the ability to start the implementation of activities under this action in Ukraine immediately, expertise in the provision of various types of equipment and an established working relationship with the Ukrainian authorities. The implementation by this entity entails the support to Ukrainian authorities and other key stakeholders to enable them to operate in high-risk contexts, thereby contributing to result 1, objective 4.2.1.

Exception to the non-retroactivity of costs

The Commission authorises that the costs incurred may be recognised as eligible as of 1 May 2022 because of the situation of urgency for crisis response and the situation of immediate

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.

danger to the stability of Ukraine, where an immediate engagement of the Union may contribute to mitigating the consequences of the conflict for civilians.

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

In the unlikely event that exceptional circumstances beyond the Commission’s control should make it necessary to change the implementation modality for the achievement of objective 4.2.1, expected result (1) in section 5, from indirect to direct management, it would be implemented with a grant (direct award). The type of applicants targeted would be non-profit organisations and private companies.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 20 000 000**. 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 Protection of Cultural Heritage in Ukraine		
6.1.1 – Direct grant (direct management)	2 000 000	N.A.
Component 2: Support to Ukrainian Authorities to respond to locally identified needs		
6.1.2. – Indirect management with a Member State Organisation	18 000 000	N.A.
Total	20 000 000	N.A.

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under direct management for component 1, objective 4.2.2, and indirect management for component 2, objective 4.2.1. 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

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

Acknowledging that activities financed under this action will be politically sensitive and/or may constitute a security risk for the implementing partner/beneficiaries, the communication and visibility plan for this measure should develop a differentiated approach to satisfy the requirements from the legal obligations to which EU external funding is bound to without putting at risk the actions supported by this measure.

7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP

Complementarity and coordination will be sought with previous and ongoing crisis response projects, as well as the EU's ongoing development cooperation and humanitarian efforts in Ukraine. Given the high level of international interest in supporting Ukraine in the response to the ongoing crisis situation, particular emphasis will also be given to ensure good coordination with other support initiatives by EU Member States and other donors.