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**ANNEX**

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

**Exceptional Assistance Measure regarding Ukraine**

**1. IDENTIFICATION**

Action: Support to service-delivery in war-affected areas

Action Reference: NDICI CR 2023/19

Cost: EUR 18 000 000 (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 provide equipment and assistance in response to urgent needs in the context of the evolving situation of Ukrainian territories liberated from Russian military occupation. This will include assistance to the restoration of access to justice and the re-establishment of public safety and order, for example, by supporting the regional police offices, the prosecutor general, and other relevant authorities through the provision of equipment and flanking measures that act as enabler to their work. In addition, flexibility will be maintained to respond to other unforeseeable and urgent needs for the provision of basic services, including access to water and electricity in war affected areas, for example in situations such as the one created by the destruction of the Kakhovka dam, and access to information regarding the provision of services, where relevant.

The activities under this measure will be coordinated closely with the support provided by the EU Advisory Mission to Ukraine (EUAM) and DG ECHO (through humanitarian and the European Union Civil Protection Mechanism), as well as with further EU and international support to the provision of basic services in war affected areas.

### **3. BACKGROUND AND RATIONALE**

#### **3.1 BACKGROUND**

Since the beginning of the Russian war of aggression against Ukraine, the Ukrainian Armed Forces have been able to liberate a significant part of the territories that were temporarily under Russian military occupation. These territories remained under occupation for varying durations and face complex challenges as a result. This includes the large-scale destruction and/or mine contamination of public infrastructure, such as schools, police offices and public administration facilities. Due to large population displacements as a consequence of occupation, the restoration of access to basic services for the population is a challenge. In addition to the destroyed facilities many public service employees are not present or able to deliver services. There is therefore an immediate need to ensure human security and support early recovery efforts.

#### **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, the Ukrainian authorities face exceptional challenges to continue delivering basic services in war-affected areas, this constituting 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) 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**

<b>Risk</b>	<b>Risk level H/M/L</b>	<b>Mitigation measures</b>
The ongoing combat operations and attacks throughout Ukraine might impact the ability of implementing partners and Ukrainian authorities to implement the planned activities.	<b>H</b>	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.	<b>M</b>	Continued coordination among EU actors will be pursued and the action will specifically include provisions for

		improved donor coordination with the EU, EU Member States and other partners.
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## 4. OBJECTIVES

### 4.1 OVERALL OBJECTIVE

The overall objective of the action is to strengthen the provision of basic services in war-affected areas in Ukraine.

### 4.2 SPECIFIC OBJECTIVES

4.2.1 The specific objective of the action is to strengthen the ability of Ukrainian authorities to ensure the access to public services in war affected areas and accordance to the needs identified at the local level.

## 5. ACTION COMPONENTS AND EXPECTED RESULTS

**The main expected results/outcomes** include:

**Expected Result (1):** The provision of public services in war-affected areas in Ukraine is improved.

Activities (indicative):

- 5.1.1 Procurement of various types of equipment for the fulfilment of basic public services by Ukrainian authorities;
- 5.1.2 Provision of technical assistance as flanking measures to ensure inclusive approaches and the use of equipment in the most effective way;
- 5.1.3 Technical and logistical support to authorities in the context of delivering services.

## 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 measures<sup>1</sup>.

#### 6.1.1 Indirect management with a pillar assessed entity

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

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<sup>1</sup> [www.sanctionsmap.eu](http://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.

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 June 2023 because of the urgency of the crisis situation in Ukraine.

**6.1.2 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 18 000 000**. 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 service-delivery in war-affected areas, composed of	18 000 000	
6.1.1 – Indirect management with a pillar-assessed entity	18 000 000	N/A
Total	18 000 000	

**6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES**

The action shall be implemented under indirect 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 urgent local needs in Ukraine, such support to early recover and demining. It will be coordinated closely with the support provided by the EU Advisory Mission to Ukraine (EUAM), and DG ECHO (through humanitarian aid and the European Union Civil Protection Mechanism).