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REPORT FROM THE COMMISSION TO THE COUNCIL

on the Evaluation of the Regulation (EU) 2016/369 on the provision of emergency support within the Union

{SWD(2019) 97 final}

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I. INTRODUCTION

1. Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union (hereafter 'the Regulation'), came into force as of the date of adoption and covered a period of three years (2016-2019). It addresses the exceptional humanitarian challenges resulting from the ongoing migratory pressures at the Union's external borders. However, emergency support under the Regulation could also be given in case of natural or man-made disasters provided that the exceptional scale and impact of the disaster is such that it gives rise to severe wide-ranging humanitarian consequences in one or more Member States and only in exceptional circumstances where no other instrument available to Member States and to the Union is sufficient. The Instrument created by this Regulation is referred to as the 'Emergency Support Instrument' (ESI) throughout this document.
2. The general objective of ESI is to provide needs-based emergency support aimed at preserving life, preventing and alleviating human suffering, and maintaining human dignity, complementing the response of the affected Member State(s). Emergency support actions funded by ESI may be implemented by the Commission or by the EU's humanitarian partners, including non-governmental organisations, specialised services of the Member States or international agencies and organisations having the requisite expertise, which have concluded a Framework Partnership Agreement ('FPA') with the Commission or fall in the scope of the Financial and Administrative Framework Agreement ('FAFA').
3. So far, the sole intervention funded through ESI was the one in the context of the ongoing refugee crisis in Greece, as it was the only Member State that fully met the eligibility conditions that the Regulation sets out. The rationale for the activation in Greece was related to different factors, including the high number of arrivals, the closure of the Western Balkan borders and the fact that Greece shifted from being a transit country to a host country, while it was already previously presenting insufficient national capacity to address the basic needs of the newly arrived. In addition, no other EU or national instrument was able to deliver emergency support at this scale and speed.
4. A total of EUR 650 million¹ was made available as the maximum contribution of the EU for the provision of emergency support to Greece for ESI's three-year activation period. Throughout this period, the programming of ESI was defined annually in the Emergency Support Operational Priorities (ESOPs), which served as guidance for the humanitarian

¹ As established in ESI's Financing Decisions, in 2016 and 2017 a total of 1% of the total maximum contribution was allocated each year for the Commission's technical assistance, whereas in 2018 such assistance represented 0.5% of the budget.

organisations to prepare their proposals for actions to be implemented in Greece. In total, ESI funded 29 operational actions implemented by 18 Commission's humanitarian partners covering the following fields: the provision of shelter, site management, cash assistance, distribution of non-food items, protection, education, food aid, health services, including psychosocial support. ESI's flagship initiative, the Emergency Support to Integration and Accommodation (ESTIA) programme, provided housing to over 50 000 people, as well as pre-paid cash cards to more than 65 000 refugees and migrants. Similarly, ESI's actions contributed to building up the national reception capacity with the creation of approximately 35 000² accommodation places in camps on the mainland.

II. PURPOSE AND SCOPE OF THE EVALUATION

5. Article 8(2) of the Regulation provides that the Commission is required to submit to the Council an evaluation of the operation of the Regulation, together with suggestions for the future of the Regulation and, where appropriate, proposals to amend or terminate it, by no later than 17 March 2019.
6. To perform the evaluation, the Commission services also relied on an independent external study. Its findings, the methodology employed and the lessons learnt are described in the Commission Staff Working document (SWD) accompanying this report.
7. The SWD provides an assessment on the implementation of the actions funded by ESI, thus examining the extent to which the Regulation is fit-for-purpose, based on the experience gained from the ongoing and completed operations. The assessment consequently seeks to identify the strengths and weaknesses of the current legislative framework and the operational response. Furthermore, based on the conclusions drawn from the evidence gathered, the SWD provides a number of lessons learnt in view of a potential future activation of the instrument.
8. Overall, the Commission finds the design and research questions of the evaluation adequate and based on a sound methodological approach. There are nevertheless limitations. These mainly concern the timing of the evaluation. Firstly, several actions funded by ESI were still ongoing at the time of the evaluation. Consequently, the unavailability of some final reports was a limitation, paired with the lack of quantitative data, particularly to inform the efficiency criterion. Secondly, it was also too early to assess the successful handover of ESI's actions to the national authorities, and/or the implementation of specific activities with other sources of EU funding such as the Asylum, Migration and Integration Fund (AMIF), including its Emergency Assistance Grant Scheme (EMAS).

² Some of these places were temporary and have since closed.

9. Based on the above elements, this report provides options for the future of the ESI Regulation.

III. MAIN FINDINGS

10. The SWD presents the assessment of the five mandatory criteria set out in the Commission's Better Regulation guidelines: (i) relevance, (ii) effectiveness, (iii) efficiency, (iv) coherence, and (v) EU added value. An additional criterion (vi) on sustainability, was also assessed. The main findings are summarised in the paragraphs below.

11. The intervention of ESI has been **relevant** to respond to the humanitarian aspects of the migration and refugee crisis in the EU. Overall, the following findings stressed the relevance of the Regulation:

- It provided the much-needed support for the Member State – and hence to its national authorities – to swiftly respond to the scale of the emerging humanitarian needs faced by a fluctuating number of beneficiaries;
- Channelling ESI's actions directly through the EU's humanitarian partners allowed to provide and implement a fast and effective response to the crisis;
- The flexibility of ESI's legislative framework allowed the response to evolve and adapt according to the changing needs on the ground, sometimes at extremely short notice.

12. **Coherence and complementarity with available EU and national instruments, as well as coherence with the four humanitarian principles** of humanity, neutrality, independence and impartiality, was **ensured** during the activation of the ESI. The Instrument complemented the actions undertaken by both the national authorities and under other EU instruments. ESI's actions were designed and implemented in full respect of the humanitarian principles. Overall, no overlaps with other EU or national instruments were encountered during the implementation of ESI's actions. The coherence of the Instrument was reflected by the following findings:

- The coordination *mechanism* established by the Commission between its different services (i.e. Structural Support Service (SRSS), DG HOME and DG ECHO), its humanitarian partners and national authorities was a key factor to avoid overlaps and to ensure synergies;

- The coordination *role* of the Commission between all relevant actors as well as the adoption of the Financial Plans by the Greek authorities, which served as strategic documents for the response, were a key achievement that positively contributed to the coordination of the EU response to the refugee crisis and;
- The Commission’s field presence, its consistent monitoring of the implementation of the actions on the ground, and the provision of its specific humanitarian expertise, were assessed as particularly important factors to ensure coherence and positive results.

13. ESI has overall proven to be an **effective** instrument as its actions reached the objectives by addressing the basic humanitarian needs and thus providing swift relief to the targeted beneficiaries. More importantly, the situation of refugees and migrants improved when compared to the starting point in 2016. The effectiveness of the Instrument has been reflected in the following main findings:

- ESI’s actions achieved their objectives, contributing to preserving lives, preventing and alleviating human suffering, as well as improving the dignity of affected people;
- Beneficiaries’ needs were addressed through a multi-sectoral approach, such as the provision of accommodation, multi-purpose cash transfers, water, sanitation, hygiene services, health, protection and education;
- ESI’s working method (i.e. channelling the implementation of actions through the Commission’s established humanitarian partners) also proved to be effective in order to provide a fast and flexible response and;
- The cooperation developed with local authorities, such as municipalities, played a key role to reach the main objectives of the flagship initiative “Emergency Support to Integration & Accommodation” (ESTIA).

While there were no major obstacles to the effectiveness of ESI’s actions in Greece, some challenges were underscored at the beginning of the crisis. For example, *at the strategic level*, the main factor affecting the effectiveness of ESI’s actions at the time of its activation was the constant flow of migrants and refugees into Greece. In addition, the national authorities were overwhelmed and did not initially put in place a well-defined national strategic approach to manage the refugee and migration crisis. Coordination challenges were also faced at the initial stage of the activation, mainly between all relevant actors (i.e. relevant Commission services, national authorities and Commission’s humanitarian partners), however this coordination and cooperation was

further developed and improved during ESI's intervention in Greece. *At the operational level*, challenges concerned the fluctuating data on the number of beneficiaries (i.e. the arrival numbers of refugees and migrants). This was however counter-balanced by the flexibility of ESI to adapt to the changing needs, paired with the close monitoring undertaken by the Commission's field experts on the ground. Both elements were essential to ensure that the needs were effectively covered.

14. The allocation of ESI's budget, including its annual Financial Decisions, was timely and reflected the targeted needs. Overall, the **efficiency** of actions funded by ESI was adequate and improved over the implementation period. As ESI's intervention in Greece has been the first of its kind within the EU, it cannot be fully compared to EU interventions undertaken in third countries given the different context and factors involved. Nonetheless, a comparison between ESI's intervention with similar EU interventions in third countries, such as Egypt, Jordan, Lebanon, and Turkey suggested that the average cost of implementation of emergency support activities in Greece was overall lower when compared to similar interventions. The analysis, however, also showed different levels of efficiency across the different sectors. For example, high cost-efficiency was found in sectors such as health services, basic needs assistance delivered through the multi-purpose cash transfers and food security and livelihoods, while more efficiency could have been achieved in sectors such as protection and accommodation services.

While there were no major obstacles to ensure the rationalisation of actions funded by ESI, the cost-effectiveness was influenced by the same factors influencing the effectiveness of ESI's actions as aforementioned (e.g. overwhelmed capacity and coordination of the national authorities etc.). More specifically, challenges were associated with the limited national infrastructure and services to welcome and to meet the reception standards of a fluctuating number of refugees and migrants, as well as the dispersion of camps/sites around the Member State. These challenges affected the cost-efficiency of ESI's actions particularly at the beginning of the activation, (i.e. in 2016), given the higher support costs incurred to initiate all ESI's actions in Greece (e.g. set up of camps/sites for the set target of 35 000 places). However, the situation improved over time, also as a result of mitigation measures introduced by the Commission, which included for example:

- Encouraging partners to increase the employment of local staff and volunteers (and reduce the high presence of expatriate staff) and to establish partnerships with local NGOs;
- Encouraging the Commission's humanitarian partners to improve efficiency by adopting economies of scale (e.g. consolidating the different cash transfer

programmes initially implemented by several humanitarian partners, into one single programme) and;

- The Commission's strict monitoring of ESI's actions contributed to boost cost-effective alternatives.

These experiences can provide useful information for the ever present goal of increasing cost-effectiveness in emergency operations.

15. ESI's intervention in Greece provided a concrete **EU added value** to respond to the crisis in the affected Member State, as it addressed the emerging humanitarian needs that could not have been met by either national or other EU instruments. The following four main characteristics of ESI boosted the EU added value of its actions:

- The fast response for large-scale actions;
- The flexibility of the Instrument to adapt to evolving needs;
- The expertise on humanitarian actions of the Commission's services, its field experts' presence on the ground, as well as its established humanitarian partners, and;
- The rapid mobilisation of non-governmental organisations (NGOs) that could not have been funded by any other EU instrument.

Moreover, the EU added value also comprised the transfer of knowledge and the "know-how" that ESI's actions have provided to the local organisations and to the national actors as a result of its intervention. The Commission's ability to create partnerships with local civil society actors as humanitarian implementing partners provided a further added value, as it allowed to integrate the much-needed local expertise to the response.

16. Although it was too early to assess the **sustainability** of ESI's actions, given that at the time the Regulation was evaluated several actions were still ongoing, the findings described in detail in the SWD nevertheless showed that a number of measures have been taken to address this:

- All Commission’s humanitarian partners considered sustainability in the design and implementation of their actions and sustainability and exit strategies were also reflected in the 2018 ESOP strategy;
- EU funding for the continuation of the flagship programmes through other EU Instruments has been ensured (AMIF/EMAS delegation agreements for 2019 were signed with United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and United Nations International Children's Emergency Fund (UNICEF) on 20 December 2018);
- The coordination between all relevant actors has been enhanced, i.e. Commission services, national and local authorities (including municipalities), partners and local organisations as a result of ESI’s actions;
- An embedded transfer of knowledge and capacity building has been provided to both local organisations and national authorities to enable the continuation of the actions and;
- The additional actions funded through other Commission services, for example by the SRSS and DG HOME, to reinforce the national capacity of the authorities, also complement the sustainability element of the actions implemented by ESI in Greece.

IV. CONCLUSIONS AND WAY FORWARD

17. Taking into account the findings of the SWD, its assessment of both the qualitative and available quantitative evidence, as well as the operational experience and lessons learned, the Commission’s overall conclusion is that the activation and intervention of ESI in Greece was positive and achieved the objectives set out by the Regulation. It should be however noted that the implementation of ESI’s actions, and hence its evaluation, are based on the sole activation of the ESI in Greece. Therefore, it is important to make a distinction between the challenges and recommendations that are relevant to the legal framework and activation of the Regulation itself and those that are relevant to the operations implemented in the specific context of Greece.
18. In the opinion of the Commission, the activation of ESI allowed to meet the Regulation’s objectives by ensuring that the necessary structured humanitarian response and infrastructure were put in place to respond to the emergency faced by Greece. The timing of the activation was appropriate and allowed for creating a bridge between the initial emergency and the current more targeted response. The quality of the services provided was satisfactory and the sustainability of the actions ensured, through the

smooth handover of ESI's actions to other sources of funding. The Commission therefore recommends that the current ESI activation comes to an end.

19. With regard to the Regulation itself, the Commission's assessment on the future of the ESI Regulation, results in three possible options:

1) To repeal the Regulation 2016/369

ESI's intervention was relevant, given the overwhelming humanitarian consequences faced by Greece at the time, in order to swiftly and effectively address a situation of such scale. Both the Regulation's working method and legal framework allowed for a flexible, fast response. This was implemented through experienced Commission services and by mobilising the support of humanitarian partner organisations. Partners have collaborated with both the national authorities and local organisations, in return providing them with capacity building and transfer of knowledge to enhance the sustainability of the actions.

The legislative framework of the Regulation is therefore suitable and flexible enough to support a Member State, facing similar or other types of emergencies (and that meets the eligibility criteria), as an expression of European solidarity building on the humanitarian expertise of the European Commission, if and when such a need may arise.

Therefore, repealing the Regulation would deprive the EU of an instrument that has proven to be fit-for-purpose when responding to the humanitarian consequences of a crisis of an exceptional scale and impact within the EU, as evidenced by the SWD. In addition, the scope of the ESI Regulation already limits its application to cases where a Member State's capacity is overwhelmed by a man-made or natural disaster and by exceptional circumstances where no other instrument available to Member States and to the Union is sufficient.

The Commission would therefore not recommend this course of action.

2) To amend Regulation 2016/369

The Commission considers that an amendment of the Regulation is not necessary. There is no evidence in support of an amendment to the legal framework.

Concerning the implementation of ESI's actions in the specific context in Greece, the Commission considers that the challenges identified during this first ESI activation -

such as the changing situation of the needs in Greece, paired with the overwhelmed capacity and coordination of the national authorities, which particularly influenced the effectiveness and efficiency of the actions- are ‘external’ factors. They are not directly related to the legal framework of ESI, but linked to the situational context in the affected Member State.

In addition, if the need of a future activation arises, the identified areas for improvement refer to operational aspects and not to the legal framework of the Instrument, for example: the establishment of co-ordination structures, as well as the early mapping of local capacity within the EU Member State(s) concerned for the potential early involvement of local/national organisations. Thus, for any potential future activation, the lessons learnt and recommendations could be taken into account when tailoring the design of ESI’s actions to the needs and context of the concerned Member State(s) - without requiring legal amendments to ESI’s Regulation.

The Commission would therefore not recommend this course of action.

3) To maintain Regulation 2016/369

In addition to the points raised above under option 1, maintaining the Regulation, whilst keeping the emergency support under it on ‘stand-by’ provides the EU with a tool to support one or more Member States in responding to the humanitarian consequences of any future crisis (not only relating to migration) of exceptional scale within their territory.

The ESI is the only instrument designed to provide a response for low probability high-impact events within the EU, it can be quickly activated by the Council on the basis of a proposal by the Commission and it complements EU Member States’ actions within the remit of their national competence. Overall, ESI is an expression of European solidarity and shows EU citizens the added value of the EU that protects those in need.

The ‘stand-by’ option would have no budgetary implications, as long as the emergency support is not activated. A note *pour memoire* in the budget of the European Union should be kept.

The Commission therefore recommends this course of action.

20. Following the lessons learnt and while building upon experience to date, the Commission welcomes the feedback from stakeholders, which will continue to be the main driver for improvements in the future.

