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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: COMMUNICATION FROM THE COMMISSION ACCOMPANYING THE
PROPOSAL FOR A COUNCIL REGULATION ON THE PROVISION OF
EMERGENCY SUPPORT WITHIN THE EU

Delegations will find attached document COM(2016) 116 final.

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL
ACCOMPANYING THE PROPOSAL FOR A COUNCIL REGULATION ON THE
PROVISION OF EMERGENCY SUPPORT WITHIN THE EU

1. Context

Today, more than 60 million people have been displaced as a result of war, protracted conflict or severe natural disasters. Between January 2015 and February 2016, over 1.1 million people – refugees, asylum seekers and migrants – have made their way to the European Union, either escaping conflict in their countries of origin or in search of a better and safer life. Despite the winter, the number of refugees and migrants reaching EU shores in 2016 has been ten times greater than the figures registered during the same period in 2015.¹

The European Commission is working in order to ensure a strong and coordinated European response². An extensive series of proposals was tabled to equip Member States with the tools necessary to reduce the large number of arrivals and to manage them. Substantial efforts have also been made to address the root causes of migration and to provide humanitarian aid in conflict-ridden areas as well as to refugees in neighbouring host countries.

Unfortunately, whilst waiting for these measures to become fully effective, the European Union is facing, for the first time in its history, the potential of wide ranging humanitarian consequences on its own territory. Immediate and exceptional additional coordinated action is required in order to complement and support the Member States' response and ensure that the EU can avert a full-blown humanitarian tragedy within its borders.

In this context, on 19 February 2016, the European Council called for urgent action and concrete proposals from the Commission to "*put in place the capacity for the EU to provide humanitarian assistance internally, in cooperation with organisations such as the UNHCR, to support countries facing large numbers of refugees and migrants, building on the experience of the EU Humanitarian Aid and Civil Protection department*"³.

A new instrument and an amending budget are needed to address this gap in the EU's toolbox. Article 214 of the Treaty on the Functioning of the EU allows so-called humanitarian aid to be used only for needs arising outside the EU. The existing Union Civil Protection Mechanism (UCPM) is not suitably equipped to address the wide-ranging structural humanitarian needs resulting from the refugee and migration crisis. The activations⁴ of the UCPM for the refugee and migration crisis have shown that, whereas voluntary mutual assistance works well in cases where one Member State is overwhelmed by a disaster, it is not designed to address situations in which several Member States may potentially be affected. Other instruments, such as the European Union Solidarity Fund (EUSF), the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF), provide significant financial resources to support Member States, but are not designed for the purely humanitarian needs of large groups of refugees and migrants.

¹ UNHCR

² Commission Communication of 10 February on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration - COM(2016) 85 final

³ See European Council Conclusions of 19 February 2016, EUCO 1/16.

⁴ Hungary, Slovenia, Croatia, Greece and Serbia have asked for assistance

Consequently, it is necessary to develop an instrument with a dedicated budget that allows the EU to provide financial support to humanitarian partners capable of rapidly implementing emergency actions in support of overwhelmed Member States.

It is worth highlighting that, in line with the mandate received from the European Council, the measures contained in the proposed Regulation will, first and foremost, aim to address the exceptional humanitarian challenges that have emerged from the ongoing migratory situation, and which are likely to continue for some time.

Moreover, it is prudent planning to ensure that this new initiative can cater for any future major emergencies which could have a wide ranging humanitarian impact. The potential for both man-made and natural disasters within the Union is increasingly high, and may be of such a scale that they can give rise to severe economic difficulties in one or several Member States. They can also occur in one or several Member States already facing severe economic difficulties for other reasons, with the ensuing result of further exacerbating and aggravating the overall economic situation of the Member States concerned. In either case, the response capacity of the Member State concerned would be adversely affected so that the assistance being provided to people in need would in turn be negatively impacted.

The proposal therefore lays down a more general framework for the provision of emergency support in all types of natural or man-made disasters within the EU which result in wide-ranging humanitarian impacts. Building upon the experience that will be gained under the proposed Regulation, and taking into account the mid-term evaluation of the UCPM due in 2017, synergies will be explored between both instruments.

2. Objective and scope

The specific objective of the proposed Regulation is to lay down measures which allow the Union to provide emergency financial support for urgently needed life-saving and humanitarian relief operations within the EU. This will also allow the Union to provide financial support to cover the costs of emergency response operations directly related to the ongoing migration and refugee crisis. These include all assistance, relief and protection operations aimed at preserving life, alleviating suffering and safeguarding human dignity. Such operations would, for instance, encompass the provision of basic relief items, health, education and protection services, shelter material and related services, water and sanitation, or other types of urgently needed relief.

In order to maximise efficiency, the proposed Regulation foresees that the implementation of emergency response operations shall be performed by partner organisations⁵. In this way the Commission will be able to immediately call upon established and vetted partners or specialised Member State services possessing the required experience⁶.

More in general, and as requested by the European Council, the proposed Regulation builds upon the solid experience that the Commission's Directorate General for Humanitarian Aid and Civil Protection has acquired in its fields of competence, allowing it to mirror inside the Union, the actions it normally performs in third countries. In

⁵ These include UN agencies, international organisations such as, the international federation of Red Cross and Red Crescent Societies, non-profit non-governmental organisations, as well as specialised services of Member States.

⁶ The Commission has concluded framework partnership agreements with many such organisations which can also be used under this proposed Regulation.

particular, given the similarities between providing emergency support to address the basic humanitarian needs within the Union and the provision of humanitarian aid to people affected by disasters or conflicts in third countries, the Regulation provides that all operations financed under its auspices should comply with internationally agreed humanitarian principles.

The disbursement procedures are also tailored to the nature of emergency support in order to ensure the necessary speed and flexibility. Moreover, the proposed Regulation will allow grants and public procurement contracts to be awarded directly and to cover up to 100 % of eligible costs. Some degree of retroactivity is also foreseen.

3. Budget and timing

Based on available data⁷, and since it can reasonably be assumed that some of these needs will be covered by other entities, the Commission has concluded that €700 million would be required over the next three years, in order to address the growing humanitarian needs in Europe during this migration and refugee crisis, particularly in EU countries along the Western Balkans route. An allocation of €300 million would be required to support and complement Member States' actions to address the outstanding humanitarian needs of refugees and migrants in 2016 and to cater for any unforeseen calamities. A further €200 million should be earmarked for use in 2017 and 2018 respectively as further humanitarian needs may arise, especially if the refugee flows continue at their current levels.

Pending the entry into force of the proposed Regulation, the Commission will continue to do its utmost to address possible humanitarian needs in the Member States as a consequence of the high influx of refugees and migrants, by relying on AMIF and ISF. Although primarily designed to support long term and structural measures aiming at strengthening EU Member States' permanent capacities in the field of migration and security, in emergency situations AMIF and ISF funds can also be used to cater for a wide range of short-term needs (including of a humanitarian nature).

4. Conclusion

The Commission is aware that the use of AMIF and ISF funds can only be a temporary solution whilst awaiting the adoption of the proposed Regulation. For this reason, the Commission stresses the importance of rapidly adopting the proposal, particularly in view of the onset of spring and the likely escalation of humanitarian needs, and calls upon the Council to act within the shortest timeframe possible. Action is needed now to address the unfolding of a humanitarian crisis within our Union.

⁷ This data has been collected by the Commission during the refugee crisis and has been made available by experienced humanitarian partners active on the ground (e.g. the 2016 IOM/UNHCR report on "a regional refugee and migrant response plan for Europe", which states that \$550M are needed based on a transit scenario).