



Brussels, 25.3.2022  
C(2022) 1885 final

**COMMISSION IMPLEMENTING DECISION**

**of 25.3.2022**

**on the financing of the individual measure in favour of Moldova and other eligible countries in the Eastern Neighbourhood region<sup>1</sup> for 2022**

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<sup>1</sup> NDICI regulation, Annex I, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021R0947&from=EN>

# COMMISSION IMPLEMENTING DECISION

of 25.3.2022

## on the financing of the individual measure in favour of Moldova and other eligible countries in the Eastern Neighbourhood region<sup>1</sup> for 2022

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU, Euratom) 2018/1046<sup>2</sup> of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, and in particular Article 110 thereof,

Having regard to Regulation (EU) 2021/947<sup>3</sup> of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument - Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009, and in particular Article 23(3) thereof,

Whereas:

- (1) In order to ensure the implementation of Action Document for Supporting Protection, Transit, Repatriation and Reintegration of Affected Eastern Partnership Citizens and Third Country Nationals in the Eastern Neighbourhood region affected by the conflict in Ukraine, it is necessary to adopt an individual measure, which constitutes the annual work programme, for 2022. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (2) The envisaged assistance should comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU<sup>4</sup>.

On 15/12/2021, the Commission has adopted the Regional Multiannual Indicative Programme (MIP) for EU support to the Eastern Neighbourhood for the period 2021-2027<sup>5</sup>, which sets out the following regional priorities: resilient, sustainable and integrated economies; accountable institutions, the rule of law and security; environmental and climate resilience; resilient digital transformation; resilient, The regional priorities and actions 2021-2027 will be guided by the five policy objectives

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<sup>1</sup> NDICI regulation, Annex I, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021R0947&from=EN>

<sup>2</sup> OJ L 193, 30.7.2018, p.1.

<sup>3</sup> OJ L 209, 14.6.2021, p.1.

<sup>4</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.

<sup>5</sup> C(2021)9370, adopted on 15/12/2021

under the overarching framework of resilience outlined in the Joint Communication on the Eastern Partnership policy beyond 2020 of 18 March 2020, which was welcomed in the EU Council Conclusions of May 2020 and endorsed by the Eastern Partnership Leaders in June 2020<sup>6</sup>. With the overall objectives of strengthening resilience and generating concrete benefits to the people, the new agenda is structured around two pillars (i) investment - supported by an Economic and Investment Plan,<sup>7</sup> and (ii) governance - underpinned by reforms and fundamental shared values. The policy objectives, the Economic and Investment Plan as well as the new targets will underpin the regional programming 2021, setting out common priorities, along with the joint documents between the EU and partner countries, (e.g. Partnership Priorities and Association Agendas).

- (3) The objectives pursued by the individual measure to be financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI) of Regulation (EU) 2021/947 should support the Moldovan government and possibly other governments in the region, notably Ukraine, in coping with the challenges of migratory flows as result of the present crisis in Ukraine.
- (4) Following the full-scale invasion of Ukraine by the Russian Federation on 24 February 2022, the migratory movements from Ukraine towards its neighbouring countries have been increasing daily, in addition to many thousands more displaced within Ukraine. Since then, more than 1,300,000 Ukrainian nationals have already fled into neighbouring countries, with the numbers expected to rise in the coming days. Prior to the conflict, there were an estimated 470, 000 Third Country Nationals (TCNs) in Ukraine, including about 136 000 international students, migrant workers, tourists as well as irregular migrants. Moldova, which shares a direct border with Ukraine is directly impacted by the conflict in Ukraine. A rapid response action is needed to support effective border and migration management in the context of conflict-induced mass displacement in Moldova, and possibly other countries in the Eastern Neighbourhood.
- (5) The action entitled 'Supporting Protection, Transit, Repatriation and Reintegration of Affected Eastern Partnership Citizens and Third Country Nationals in the Eastern Neighbourhood region affected by the conflict in Ukraine' will aim to support effective border and migration management in the context of conflict-induced mass displacement in Moldova, and possibly other countries in the Eastern Neighbourhood, with the purpose of ensuring effective and dignified first line processing of Ukrainian citizens and third country nationals in line with internationally accepted humanitarian border management standards, as well as safe and dignified voluntary repatriation and reintegration of vulnerable third country nationals to their countries of origin .
- (6) In accordance with Article 43 of Regulation (EU) 2021/947, the action is of a global, trans-regional or regional nature, fostering regional cooperation with the countries eligible under the NDICI regulation for repatriation and reintegration measures. The action's objective and design fulfil the criteria for Official Development Assistance established by the OECD/DAC, as per the requirements of Article 3(3) of Regulation (EU) 2021/947, contributing to the sustainable development of partner countries and the implementation of the 2030 agenda by supporting the repatriation and reintegration

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<sup>6</sup> Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions Brussels 18 March 2020, JOIN(2020)

<sup>7</sup> Brussels, 2 July 2021, SWD(2021) 186 final

of their nationals. Due to the project's nature and the importance to ensure complete regional coverage, the eligibility of the action extends exceptionally to the countries eligible under NDICI regulation for repatriation and reintegration measures, as their participation constitutes a substantial element to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation.

- (7) Pursuant to Article 26(1) of Regulation (EU) 2021/947, indirect management is to be used for the implementation of this individual measure.
- (8) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of the Financial Regulation.
- (9) To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) thereof before a contribution agreement can be signed.
- (10) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of the Financial Regulation.
- (11) In order to allow for flexibility in the implementation of the action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of the Financial Regulation.
- (12) For reasons of urgency and emergency is necessary that this decision applies retroactively as of 24 February 2022.
- (13) The measure provided for in this Decision is in accordance with the opinion of the NDICI Committee established under Article 45 of Regulation (EU) 2021/947.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The measure*

The annual financing Decision, constituting the annual work programme for the implementation of the Action Document for Supporting Protection, Transit, Repatriation and Reintegration of Affected Eastern Partnership Citizens and Third Country Nationals in the Eastern Neighbourhood region affected by the conflict in the Ukraine , as set out in the annex, is adopted.

The measure shall consist of the action set out in the annex.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the measure for 2022 is set at EUR 15,000,000, and shall be financed from the appropriations entered in budget line 14 02 01 11 – Eastern Neighbourhood of the general budget of the Union.

The appropriations provided for in the first paragraph may also cover interest due for late payment.

### *Article 3*

#### *Methods of implementation and entrusted entities or persons*

The implementation of the actions carried out by way of indirect management, as set out in the Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4.3 of the Annex.

### *Article 4*

#### *Flexibility clause*

Increases or decreases<sup>8</sup> of up to EUR 10 million and not exceeding 20% of the contribution set in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution, as well as extensions of the implementation period shall not be considered substantial within the meaning of Article 110(5) of the Financial Regulation, provided that these changes do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may apply the changes referred to in the first paragraph acting in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 25.3.2022

*For the Commission*

*Olivér VÁRHELYI*

*Member of the Commission*

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<sup>8</sup> These changes can come from assigned revenue made available after the adoption of the financing decision.



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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX**

of the Commission Implementing Decision on the financing of the individual measure in favour of Moldova and other eligible countries in the Eastern Neighbourhood region<sup>1</sup> for 2022

**Action Document for Supporting Protection, Transit, Repatriation and Reintegration of Affected Eastern Partnership Citizens and Third Country Nationals in the Eastern Neighbourhood region affected by the conflict in Ukraine**

**ACTION PLAN**

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and an individual measure in the sense of Article 23(3) of NDICI Regulation.

**1. SYNOPSIS**

**1.1. Action Summary Table**

<b>1. Title CRIS/OPSY Basic Act</b>	Action Document for Supporting Protection, Transit, Repatriation and Reintegration of Affected Eastern Partnership Citizens and vulnerable Third Country Nationals in the Eastern Neighbourhood region affected by the conflict in Ukraine.  OPSY business reference: ACT 60744  Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI)
<b>2. Team Europe Initiative (TEI)</b>	There is currently no TEI covering migration issues in the region
<b>3. Zone benefiting from the Action</b>	The Action shall be carried out in the Republic of Moldova <sup>2</sup> and other eligible countries in the Eastern Neighbourhood region. <sup>3</sup> The Action may be exceptionally extended to the countries eligible under NDICI regulation for repatriation and reintegration measures in order to support them in the repatriation of third country nationals fleeing the war in Ukraine.

<sup>1</sup> NDICI regulation, Annex I, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021R0947&from=EN>

<sup>2</sup> Hereinafter referred as Moldova

<sup>3</sup> The action is aligned to the EU sanctions regime. In order to avoid any possible doubts, making available funds or other economic resources, directly or indirectly, to or for the benefit of any natural or legal person, entity, or body listed in EU restrictive measures are prohibited, subject to possible exceptions provided for in those restrictive measures.

<b>4. Programming document</b>	Regional Multiannual Indicative Programme (MIP) 2021-2027 for EU support to the Eastern neighbourhood <sup>4</sup>			
<b>5. Link with relevant MIP(s) objectives/expected results</b>	<p>Priority area 2: Accountable institutions, the rule of law and security</p> <p>Specific objective 3: Enhanced capacity to prevent, prepare, and respond to natural and man-made disasters. Increased cooperation among Eastern Partnership countries as well as between Eastern Partnership countries and the EU Civil Protection Mechanism</p> <p>Priority area 5: resilient, gender equal, fair and inclusive societies</p>			
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>				
<b>6. Priority Area(s), sectors</b>	<p>Priority area 2: Accountable institutions, the rule of law and security</p> <p>Priority area 5: resilient, gender equal, fair and inclusive societies</p>			
<b>7. Sustainable Development Goals (SDGs)</b>	Main SDG (1 only): SDG 10 (sub goal 10.7 of the Sustainable Development Goals 10 on migration policies)			
<b>8 a) DAC code(s)</b>	15190 (Facilitation of orderly, safe, regular and responsible migration and mobility) – 100%			
<b>8 b) Main Delivery Channel</b>	International Organisations – 21000			
<b>9. Targets</b>	<input checked="" type="checkbox"/> Migration <input type="checkbox"/> Climate <input type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input type="checkbox"/> Human Rights, Democracy and Governance			
<b>10. Markers (from DAC form)</b>	<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>4</sup> Commission Decision of 21 December 2021. [https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-01/C\\_2021\\_9370\\_F1\\_ANNEX\\_EN\\_V2\\_P1\\_1609850.PDF](https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-01/C_2021_9370_F1_ANNEX_EN_V2_P1_1609850.PDF)

	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>	
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>	
<b>11. Internal markers</b>	Digitalisation Tags: digital connectivity digital governance digital entrepreneurship job creation digital skills/literacy digital services	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	<u>Connectivity</u> Tags: transport people2people energy digital connectivity	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Migration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Reduction of Inequalities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	COVID-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<b>BUDGET INFORMATION</b>				
	<b>12. Amounts concerned</b>	Budget line: 14 02 01 11 – Eastern Neighbourhood Total estimated cost: EUR 15 000 000 Total amount of EU budget contribution: EUR 15 000 000			
<b>MANAGEMENT AND IMPLEMENTATION</b>					
<b>13. Implementation modalities (type of financing and management mode)</b>	Project Modality Indirect management with the entity(ies) to be selected in accordance with the criteria set out in section 4.3.1.				

## 1.2. Summary of the Action

This proposed Action's main priority is to support the Moldovan government, and possibly other governments in the Eastern Neighbourhood region, in coping with the challenges of migratory flows, notably as result of the war in Ukraine. The funds for the Action will be drawn from the European Union Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI) for a one-year period of 2022.



The Action follows the Communication on *European solidarity with refugees and those fleeing war in Ukraine* of 8 March 2022.<sup>5</sup>

Firstly, it responds to two of the key priority areas of the Pact on Migration and Asylum's<sup>6</sup> external dimension: 1. Partnerships to strengthen migration governance and management and 2. Fostering cooperation on readmission and reintegration, supporting EU partners in developing effective migration governance and management capacity is "a key element in the mutually beneficial partnerships the EU seeks to develop", including to help partner countries manage forced displacement. Secondly, cooperation on reintegration, including in support of third countries, is part of the comprehensive EU strategy on voluntary return and reintegration<sup>7</sup>. This strategy envisages the need to support voluntary reintegration of migrants also from and between third countries, a form of assistance recognised as an immediate personal relief to the individuals involved, supporting them when confronted with situations of danger and distress, and contributing to the development of the communities and countries to which they reintegrate. The Action is also fully aligned with the Joint Communication on "Eastern Partnership Policy beyond 2020"<sup>8</sup> and the December 2021 Eastern partnership summit Joint Declaration<sup>9</sup>.

The Action draws, *inter alia*, on the lessons learned from and builds on the national and regional Actions of the "Enhancing Integrated Border Management along the Ukraine-Moldova Border" project and the European Union-International Organization for Migration Joint Initiative (EU-IOM Joint Initiative) in North Africa funded by the EU Trust Fund for Africa. The Action is guided by the principles of ownership, aid effectiveness, sustainability, complementarity, comprehensiveness, coherence, and responsibility-sharing. It will be built on lessons learned from the past and on-going Actions, and be coordinated with other actors present on the ground taking into account the specific context.

The Action is aligned with the 2030 Agenda for Sustainable Development, which refers to "the right of migrants to return to their country of citizenship" and the obligations of states "to ensure that their returning nationals are duly received" and their commitment to ensure, "safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants regardless of migration status, of refugees and of displaced persons" (see also sub-goal 10.7 of the Sustainable Development Goals 10 on migration policies).

The Action will aim to support in particular Moldovan border authorities, including where needed with additional support from the EU Border Assistance Mission to Moldova and Ukraine (EUBAM), to process the mass inflow of refugees fleeing the conflict in Ukraine in an effective and dignified manner and to contribute to the provision of voluntary dignified repatriation options in a humanitarian context, as well as safe transit, facilitation of movement and resettlement, in particular to Third Country Nationals<sup>10</sup> (TCNs) in the context of mass displacement and evacuation from Ukraine. In doing so, the Action will work to ensure that refugees are duly screened and recorded and address in particular TCNs' vulnerabilities in the context of emergency displacement and evacuation from Ukraine. The Action has

<sup>5</sup> [https://ec.europa.eu/info/sites/default/files/com\\_2022\\_107\\_1\\_en\\_act\\_part1\\_v4.pdf](https://ec.europa.eu/info/sites/default/files/com_2022_107_1_en_act_part1_v4.pdf)

<sup>6</sup> COM (2020) 609 final - Communication on a New Pact on Migration and Asylum [https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC\\_3&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC_3&format=PDF), 23 September 2020

<sup>7</sup> COM (2021) 120 final -The EU strategy on voluntary return and reintegration [https://ec.europa.eu/home-affairs/sites/default/files/pdf/27042021-eu-strategy-voluntary-return-reintegration-com-2021-120\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/pdf/27042021-eu-strategy-voluntary-return-reintegration-com-2021-120_en.pdf)

<sup>8</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage/76166/joint-communication-eastern-partnership-policy-beyond-2020-reinforcing-resilience-%E2%80%93-eastern\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/76166/joint-communication-eastern-partnership-policy-beyond-2020-reinforcing-resilience-%E2%80%93-eastern_en)

<sup>9</sup> <https://www.consilium.europa.eu/media/53527/20211215-eap-joint-declaration-en.pdf>

<sup>10</sup> Third Country National' (TCN) is a person who is stranded in a country that is not his or her own. This may occur as a result of conflict or natural disaster, or deportation from another state. This Entry aims to address specifically the situation of third country nationals who are not refugees, but who may travel in mixed movements with refugees and asylum-seekers. To ensure respect for refugee protection principles as well as the human rights that apply to all, it is important to understand the distinctions between these categories, from UNHCR emergency handbook, <https://emergency.unhcr.org/>

been designed with support of the assessment by the International Organization for Migration (IOM) over the past period and future projections.<sup>11</sup>

Moreover, the Action will build upon the longstanding partnership between IOM and the Government of Moldova, especially the Ministry of Internal Affairs and the Bureau for Migration and Asylum (BMA), as well as other government and civil society stakeholders active in the field of migration management and protection, and will seek to develop their capacities to provide effective and dignified border management, as well as safe voluntary dignified repatriation options and protection in the context mass displacement resulting of the conflict, by applying rights-based, protection-oriented and gender sensitive approaches. IOM has developed similar relations with the relevant authorities/bodies in other countries of the region, on which it can draw should the need arise, in particular in Georgia and Ukraine. IOM is currently also implementing the EUBAM 13 Action in Moldova and Ukraine (after having managed EUBAM 10, 11 and 12).

The overall objective of this Action is to support effective border and migration management in the context of conflict-induced mass displacement in Moldova, and possibly other countries in the Eastern Neighbourhood, with the purpose of ensuring effective and dignified first line processing of Ukrainian citizens and third country national in line with internationally accepted humanitarian border management standards, as well as safe and dignified voluntary repatriation and reintegration of vulnerable third country nationals to their countries of origin.<sup>12</sup> In so doing this Action contributes to strengthening Moldova's resilience to respond to urgent needs by the Moldovan central and local authorities as well as the population resulting from the war situation.

In particular, the Action will work towards achieving the following results:

Specific Objective 1 - Further safe and dignified first line processing of affected Eastern Partnership citizens and TCNs is conducted at the border, with the following results:

- Affected Eastern Partnership citizens and TCNs in Moldova and possibly other countries of the Eastern Neighbourhood have access to flexible and human-centred solutions for voluntary dignified repatriation and interim passage, as well as pre-departure and travel assistance;

Specific Objective 2 - National stakeholders in the Government of Moldova, supported inter alia by EUBAM, and other countries in the Eastern Neighbourhood are able to effectively implement first line processing, voluntary dignified repatriation and protection for affected Eastern Partnership citizens and TCNs, with the following results:

- National stakeholders in Moldova are supported operationally, inter alia by EUBAM, in first line processing of voluntary dignified repatriation and protection in the context of safe passage and voluntary repatriations of affected Eastern Partnership citizens and TCNs;

Specific Objective 3 – Vulnerable Eastern Partnership citizens and TCNs benefit from safe transit, facilitation of movement, resettlement, and voluntary dignified repatriation with reintegration support options in countries of repatriation.

- Eastern Partnership citizens and TCNs are provided with safe transit, facilitation of movement, resettlement, and repatriation with reintegration support options in countries of voluntary repatriation.

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<sup>11</sup> UKRAINE RESPONSE: FLOW MONITORING TO AND THROUGH REPUBLIC OF MOLDOVA on March 3, 2022

<sup>12</sup> Ukrainian citizens have a right of a 90 days visa free stay in Moldova

The duration of the Action is estimated to last 36 months having started retroactively on 24 February 2022<sup>13</sup>.

This action could provide additional support to EUBAM to implement its mandate and to support the Moldovan authorities to relevant activities indicated above, in line with its mandate.

In case democratically elected government loses control over Ukraine's territory, any budget support payment in favor of Ukraine will only be executed if a democratically elected government of Ukraine is in control over the management of the treasury.

## **2. RATIONALE**

### **2.1 General Context**

#### **Regional context**

Moldova is a small country of 3.3 million inhabitants which is located between Romania and Ukraine. The Moldova-Ukraine state border is one of the most problematic borders in the region. Important to mention is that a segment of 453.4 km on the Moldova-Ukraine border is not under the constitutional control of Moldova, but under the *de facto* Transnistrian authorities. The Transnistrian region is an enclave that broke away from Moldova 30 years ago with Russian support. It has lapsed into the status of an unresolved conflict and still constitutes a security risk for the Republic of Moldova and the region. Over the years, the Transnistrian region has become a grey economic, political and security area at 190 km from the EU's external borders. An advisory border management (EUBAM) mission is supported to monitor the activity along the Ukrainian-Moldovan border, including the Transnistrian segment.

Moldova and Ukraine committed to wide-reaching reforms when signing Association Agreements with the European Union. The EU-Moldova Association Agreement (AA) provisionally entered into force on 1 September 2014 and was fully applied from 1 July 2016. The EU-Ukraine AA entered into force on 1 January 2016. These agreements have been a catalyst for reforms in both countries, not least on customs and trade related matters. However, the political turbulence has continued.

The current political and economic situation in Moldova is very fragile. On 24 February 2022, the Republic of Moldova declared a state of emergency for 60 days. The Security and Intelligence Service (SIS) established a moderate level (yellow code) of terrorist alert. This involves enhanced control measures to maintain public order at border crossing points, airports, railway stations, etc., increasing the security measures at critical infrastructure, and verifying the level of preparedness of the law enforcement and defence forces. On recommendation of the Supreme Security Council, the Moldovan Civil Aviation Authority closed Moldovan airspace from 24 February until 21 April. The current gas contract can be terminated by Gazprom with only 10 days' notice, which makes the country very dependent on Russia.

#### **Impact of the conflict in Ukraine on Moldova and the region**

After weeks of heightened tensions and escalating conflict in eastern Ukraine, on 24 February, Russian forces launched a full-scale assault on Ukraine, with its military attacking the country simultaneously by land, air and sea from the north, east and south. During the day, Russian attack gradually shaped into a "full-scale invasion". The attack entails civilian casualties and suffering all over the country, damage to critical civilian infrastructure, as well as large-scale displacement. The humanitarian situation throughout Ukraine is rapidly deteriorating and the violations of International Humanitarian Law seem to be

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<sup>13</sup> Given the urgency of the action retroactivity is granted by the Commission Implementing Decision to allow the start of the contract activities per 24<sup>th</sup> of February 2022.

widespread. Ukraine will inevitably face larger-scale humanitarian crisis and the spill-over has a huge impact on its close neighbourhood.

As per official sources from the neighbouring countries, as of 8 March 2022, over 2 million people have already fled from Ukraine into neighbouring countries. The largest number is registered in Poland. The other main countries of destination for refugees are Slovakia, Romania, Hungary, and Moldova. According to UNHCR (as of 14 March 2022), an estimated 4 million people may flee Ukraine<sup>14</sup>. Depending on how the Russian invasion proceeds, massive displacement of people from eastern parts of the country can be expected towards western parts of Ukraine, and likely towards the EU, including to and through Moldova. However, the number of refugees arriving in Moldova are higher than originally estimated and severely straining the country's capacity to respond to the increasing needs.<sup>15</sup> The movement of displaced persons towards Russia or Belarus is also possible, but to a smaller extent. In light of the ongoing war in Ukraine, it is to be expected that the number of persons fleeing the conflict will increase and that more refugees, including TCNs, will move to Moldova and neighbouring EU Member States.

## **Sectorial context**

The EU is already supporting Eastern Neighbourhood partner countries in the area of border management. Two ongoing border management programmes offer a platform to react to the evolving needs of the border service linked to the crisis. The EU4Border Security programme is implemented by IOM Moldova and aims at equipping Moldovan and Ukrainian border management authorities with modern tools like Automatic Number Plate Recognition (ANPR) systems, video surveillance to better monitor the Ukrainian-Moldovan border. The project focusses on both the blue border (Nistru river) and on selected land border-crossing points (duration 02/2020-12/22). The EU Border Assistance Mission (EUBAM) to Moldova and Ukraine is an EU technical advisory mission, mandated to effectively manage their common border and actively support concrete measures linked to the Transnistrian conflict.<sup>16</sup>

Following a request for assistance by Moldova, the European Union is preparing a status agreement with the Republic of Moldova, with a view to deploying a Frontex Standing Corps team with executive powers to support the Moldovan Border Police.

In Georgia, the EU is supporting migration management and the implementation of the migration strategy through an Action titled "Enhancement of the Migration Management in Georgia", which is a component of a broader programme ("EU Resilience Facility for Georgia: Economy, Environment, Health and Migration Management/The EU Resilience Facility") to be financed under the 2021 annual programme with an overall budget of EUR 4 million. The main aim of this Action is to build on current support, support the new national Migration Strategy for 2021-2030, and focus on the continuous implementation of the visa liberalisation benchmarks and strengthening Georgian border management capacities.

The EU has assisted Georgia (2017-2021) through the IOM-implemented 'Sustaining Border Management and Migration Governance in Georgia (SBMMG)' project, aiming at enhancing the capacities of Georgian authorities in the areas of integrated border management and migration governance, including to assist the Georgia with designing and procuring an Advance Passenger Information (API) system to ensure that law enforcement agencies will have the opportunity to pre-screen passenger arrivals and departures at airports, thereby increasing security and improving resourcing capabilities.

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<sup>14</sup> <https://data2.unhcr.org/en/situations/ukraine>

<sup>15</sup> The estimation of refugee influx to Moldova were inferior to the on-going crisis. The large number of refugees has an impact on Moldova's capacity to respond to the increasing needs and is putting additional stress on its economy.

<sup>16</sup> IOM is currently implementing the EUBAM 13 action in Moldova and Ukraine (after having managed EUBAM 10, 11 and 12).

The EU has also been supporting assisted voluntary return and sustainable reintegration, which has been carried out through the EU-IOM Joint Initiative. The Joint Initiative has been set up in line with the Valletta priorities on migration agreed between the EU and African in 2015. Under the EU-IOM Joint Initiative, more than 100,000 migrants<sup>17</sup> have been assisted with voluntary return assistance and post-arrival and reintegration assistance.

Hence, the proposed Action intends to build upon and complement existing national and regional Actions in the area of border and migration management in the Eastern Partnership, as well as on the EU-IOM Joint Initiative in North Africa by extending it to countries in the Eastern Neighbourhood of the EU, in particular Moldova. It will address the policy priorities put forward in the external dimension of the EU Strategy on Voluntary Return and Reintegration, including by improving the effectiveness and sustainability of reintegration measures in non-EU countries.

## **EU added value**

The Action will maximise the complementarity with other interventions covering protection which have been launched by the Commission (DG ECHO) since the start of the conflict in Ukraine.

The European Commission has allocated a EUR 90 million for humanitarian assistance to help civilians affected by the war in Ukraine in Ukraine and Moldova. EUR 8 million were allocated to support people who had to flee from Ukraine in Moldova. The humanitarian assistance will be channelled through humanitarian partners present in Moldova, such as the UN agencies, the Red Cross or INGOs. It will primarily target the most vulnerable people fleeing the conflict in Ukraine<sup>18</sup>. Close coordination is therefore required.

UNHCR is coordinating with partners to support the Moldovan government in its response to the influx of displaced people originating from Ukraine through the provision of core relief items, unrestricted cash grants, legal assistance, child protection and provision of information. With the support of the EU Delegation to Moldova, UNHCR is leading the Emergency External Aid coordination Cell under the Moldovan Prime Minister. The Moldova task force gathered for the first time on 28 February 2022.

On 25 February the Ministry of Internal Affairs of the Republic of Moldova requested assistance under the Union Civil Protection Mechanism (UCPM) to manage the flow of people fleeing Ukraine, following the declaration on state of emergency (24 February). The request consisted of various equipment, including shelter and non-food items, vehicles and communication devices. Moldova also expressed the need for electrical power generators. The request has been updated early March. On 6 March an EU Civil Protection Team arrived in Moldova to support national authorities with technical advice and to coordinate the incoming UCPM assistance from 13 Member States (FR, NL, AT, EL, FI, HR, SE, DK, DE, BE, ES, RO, IT)<sup>19</sup>

Coordination and complementarity will be sought where suitable also in the framework of the emerging Team Europe Initiatives on migration, as well as with the future Regional Migration Support Programme for Sub-Saharan Africa and interventions at country/bilateral level.

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<sup>17</sup> [EU-IOM Joint Initiative Flash Report \(migrationjointinitiative.org\)](https://migrationjointinitiative.org).

<sup>18</sup> Although DG ECHO has never worked in Moldova before, it has been monitoring the situation and has drawn a list of potential humanitarian partners in the country. There are many humanitarian partners willing to operate in Moldova and quickly establishing their presence in the country, partners are also creating hubs to transfer assistance from Moldova inside Ukraine.

<sup>19</sup> State of play as of 11 March 2022.

In addition the Action will seek coordination and complementarity with the ongoing programmes in the field of migration in the region like the above mentioned EUBAM and EU4BS programmes. In particular EUBAM is crucial for the current refugee crisis. Ten international experts from EUBAM were relocated to Chisinau end February 2022 and established teams tasked with monitoring border control and providing support to streamline the flow of persons and managing the migration flow.

## 2.2 Problem Analysis

### Short problem analysis

Moldova, which shares a border with Ukraine is directly impacted by the conflict in Ukraine. Following the full-scale invasion of Ukraine by the Russian Federation on the 24th of February 2022, the migratory movements from Ukraine towards its neighbouring countries have been increasing daily, in addition to many thousands more displaced within Ukraine. Since, more than 1,300,000 Ukrainian nationals have already fled into neighbouring countries, with the numbers expected to rise in the coming days. Prior to the conflict, there were an estimated 470,000 Third Country Nationals (TCNs) in Ukraine, including about 136,000 international students, migrant workers, tourists as well as irregular migrants.

TCNs are also fleeing Ukraine and crossing into neighbouring countries, including the Republic of Moldova. According to the data provided by the Bureau of Migration and Asylum, in the period 24 February until 5 March 2022, Moldova has registered unprecedented entry flows, envisaging especially nationals of Azerbaijan, China, Turkey, Georgia, Russian Federation, Vietnam and others. Flows are expected to continue in the coming weeks and months, and TCNs will remain in need of life saving assistance, including referral services, and medical and voluntary repatriation assistance in a humanitarian context.<sup>20</sup>

While some governments have the capacity to organize the repatriation of their citizens by themselves, IOM has received requests from various third country governments to assist respective nationals with their repatriation, including the Government of Philippines, Rwanda, Democratic Republic of Congo, Tunisia, Lebanon, Bangladesh, Colombia and more formal requests are expected. In addition, IOM offices keep receiving requests from individuals who find themselves in Moldova and in need of assistance to repatriation to their countries of origin.

With this Action, it is expected that voluntary repatriation will be facilitated for up to 3,500 vulnerable TCNs fleeing Ukraine and requesting such support in Moldova and possibly other countries in the region. According to a study carried out by IOM Ukraine before the escalation of hostilities, approximately 60,900 irregular migrants and 478,000 of third-country nationals, including relatives of Ukrainian citizens, were residing in Ukraine.

Since 24 February, and as of 13 March 2022 00:00 CET, the Republic of Moldova had welcomed in its territory 330,000 refugees coming from Ukraine, including some 298,000 Ukrainians. Over 190,000 Ukrainian refugees have since then proceeded to Romania.<sup>21</sup>

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<sup>20</sup> Ukraine represented the top nationality of foreigners registered at entry from Ukraine, with 87 per cent of all registrations (149,583) as of 3 March 2022. The remaining 23,387 TCNs were mainly nationals of Azerbaijan (20%), China (12%), Turkey (10%), Russian Republic (7%), Israel (6%), Georgia (5%), Vietnam (4%), Romania (4%) and India (3%). Children below 18 years of age represented varying shares of total national groups.

<sup>21</sup> <https://data2.unhcr.org/en/situations/ukraine>

The vulnerable TCNs will be identified by the relevant national authorities and UN agencies during the screening of TCNs coming to Moldova.

According to the observations and data collected by IOM Georgia, there are no significant flows of TCNs entering the country as a result of their forced displacement from Ukraine, however, the situation remains volatile and flows might swiftly change.

### **3. DESCRIPTION OF THE ACTION**

#### **3.1 Objectives and Expected Outputs**

The overall objective of this Action is to support effective border and migration management in the context of conflict-induced mass displacement in Moldova, and possibly other countries in the Eastern Neighbourhood, with the purpose of ensuring effective and dignified first line processing of Ukrainian citizens and third country nationals in line with internationally accepted humanitarian border management standards, as well as safe and dignified voluntary repatriation of vulnerable third country nationals to their countries of origin .

The Specific Objectives (Outcomes) of this Action are:

- Specific Objective 1 - Further safe and dignified first line processing of affected Eastern Partnership citizens and TCNs is conducted at the border;
- Specific Objective 2 - National stakeholders in the Government of Moldova, supported inter alia by EUBAM, and other countries in the Eastern Neighbourhood are able to effectively implement first line processing, voluntary dignified repatriation and protection for affected Eastern Partnership citizens and TCNs;
- Specific Objective 3 – Vulnerable Eastern Partnership citizens and TCNs benefit from safe transit, facilitation of movement, resettlement, and voluntary dignified repatriation with reintegration support options in countries of repatriation.

The Outputs to be delivered by this Action contributing to the corresponding Specific Objectives (Outcomes) are:

contributing to Outcome 1 (or Specific Objective 1):

- 1.1 Affected Eastern Partnership citizens and TCNs in Moldova and possibly other countries of the Eastern Neighbourhood have access to flexible and human-centred solutions for voluntary dignified repatriation and interim passage, as well as pre-departure and travel assistance;

contributing to Outcome 2 (or Specific Objective 2):

- 2.1 National stakeholders in Moldova are supported operationally, inter alia by EUBAM, in first line processing of voluntary dignified repatriation and protection in the context of safe passage and voluntary repatriations of affected Eastern Partnership citizens and TCNs;

contributing to Outcome 3 (or Specific Objective 3):

- 3.1 Eastern Partnership citizens<sup>22</sup> and TCNs are provided with safe transit, facilitation of movement, resettlement, and repatriation with reintegration support options in countries of voluntary repatriation.

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<sup>22</sup> This may apply to Ukrainian citizens.

## 3.2 Indicative Activities

*Activities related to Output 1.1 - Affected Eastern Partnership citizens and TCNs in Moldova and possibly other countries of the Eastern Neighbourhood have access to flexible and human-centred solutions for voluntary dignified repatriation and interim passage, as well as pre-departure and travel assistance.*

The Action may therefore include some or all of the following indicative activities, paying particular attention to the needs of international students:

- To offer healthcare support in the achievement of the objectives of this Action and in the context of repatriation.
- To communicate widely, effectively, and often with affected Eastern Partnership citizens and TCNs on evolving crises and how to access help (information on where and how to access assistance through multiple communication channels in relevant languages, dedicated outreach through volunteers and grass-roots actors).
- To offer translation and interpretation services to affected Eastern Partnership citizens and TCNs during counselling, in view of the identification of the most appropriate and safe migration pathway;
- To offer legal counselling for affected Eastern Partnership citizens and TCNs who require such services. This will include TCNs who are undocumented and whose identity cannot be established, TCNs who have been separated from their families, TCNs who seek to reunite with their families in countries other than their country of origin, TCNs who have been victims of crimes, etc.
- To establish effective systems to identify those with protection needs; such systems need to distinguish affected Eastern Partnership citizens and vulnerable TCNs, including international students, from asylum-seekers, refugees, and stateless persons.
- To enable a coordinated referral process amongst relevant stakeholders, including relevant actors and authorities, such as consular authorities, border guards, UNHCR, and NGOs. This will also include the referral of persons with international protection needs to UNHCR and relevant partners;
- To apply procedural safeguards for those in situations of vulnerability and protection needs and provision of tailored assistance to Unaccompanied and Separated Migrant Children (UASC), Children with parents in an irregular immigration status and Victims of Trafficking (VoT) (i.e., support to Best Interest Determination, family tracing and family assessment, risk assessment);
- To refer persons in need of emergency accommodation and access to protection services, including mental health and psychosocial support to existing services or provide those services directly, if no other providers can be identified.
- To provide pre-departure assistance to affected Eastern Partnership citizens and TCNs who request assistance to voluntarily and safely be repatriated to their countries of origin will be provided with in-person or remote repatriation counselling, which will aim to assess TCNs eligibility and willingness to be repatriated.
- To provide pre-departure assistance may include health assessment for all applicants, medical assistance for affected Eastern Partnership citizens and TCNs with health-related needs, fitness for travel assessment, as well as provision of COVID-19 and other mandatory vaccinations, PCR-testing, and any other measure made necessary by the existing and applicable travel and entry restrictions in Moldova, as well as countries of transit and origin.
- To support the access to obtain travel documents, visas and personal documentation and possibly pocket money for affected Eastern Partnership citizens and vulnerable TCNs through liaison with consular representations and embassies of countries of transit and origin.
- To provide travel assistance, including ground transportation until the closest functioning airport, flight ticket, provision of pre-departure, transit and on-arrival assistance for vulnerable TCNs as needed.



*Activities related to Output 2.1 – National stakeholders in Moldova are supported operationally, inter alia by EUBAM, in first line processing of VHR and protection in the context of safe passage and voluntary dignified repatriation of affected Eastern Partnership citizens and TCNs.*

The Action may therefore include some or all of the following indicative activities:

- To develop the skills of national stakeholders on first line processing of safe passage and assisted voluntary repatriation options.
- To provide capacity development to national stakeholders, including public authorities (such as BMA and Border Police) and civil society, who play a role in the provision of safe passage of affected Eastern Partnership citizens and repatriation assistance to TCNs. including outreach and information dissemination, counselling, case management, repatriation and reintegration.
- To promote a non-discriminatory, gender sensitive approach and guidelines for relevant staff.
- To provide operational support to national stakeholders responsible in the context of safe passage of affected Eastern Partnership citizens and voluntary repatriation of TCNs, including through training by EUBAM.
- To procure, as required by the situation on the ground, the necessary equipment for the systematic checking of entering persons against relevant security databases, so as to ensure that persons suspected to posing a security threat can be identified and dealt with accordingly.
- This Action will support the capability of EUBAM to provide emergency assistance to national authorities.
- To provide additional staff in the premises of the BMA and other relevant institutions/stakeholders in order to support the existing and already operational workforce towards the processing of high numbers of applications for safe passage of affected Eastern Partnership citizens as well as voluntary repatriation, and the completion of all procedural steps for the provision of safe voluntary dignified repatriation options to TCNs who require them.

*Activities related to Output 3.1 – Eastern Partnership citizens and vulnerable and TCNs are provided with safe transit, facilitation of movement, resettlement, and repatriation with reintegration support options in countries of voluntary repatriation.*

The Action may therefore include some or all of the following indicative activities:

- To facilitate the safe movement, including for the purpose of resettlement and repatriation, and including by air transport, of affected Eastern Partnership citizens and TCNs, including those in need of emergency medical assistance, within the country, transiting through Moldova and other countries of the Eastern Partnership region.
- To provide pre-departure assessments and vulnerability screening, based on the methodologies and approaches outlined in the IOM Handbook on Protection and Assistance to Migrants Vulnerable to Violence, Exploitation and Abuse, as well as in the IOM Reintegration Handbook
- To provide counselling will be available to providing accurate information on voluntary dignified repatriation to TCNs, to assess their immediate needs while in Moldova or other countries of the region, as well as upon repatriation to their country of origin. During counselling, TCNs will also be screened to identify vulnerabilities and deploy mitigation strategies, in coordination with authorities and stakeholders in Moldova as well as countries of origin.
- To address immediate needs of vulnerable TCNs included in the voluntary dignified repatriation programme, by providing direct assistance before departure, including –possibly- provision of NFIs, food and shelter, as well as a cash reinstallation grant.
- To provide advocacy for referral of reintegration assistance support to respond to the needs of repatriation candidates and communities of origin, wherever feasible to refer repatriation candidates to available support in country of origin (i.e., EU IOM Joint Initiative).
- To provide in kind and cash reintegration grants to support sustainable reintegration of vulnerable TCNs currently displaced in Moldova and potentially in other countries of the region.
- To provide a monitoring and reporting system on the assistance provided to the targeted population and ensuring that required assistance is provided only once to beneficiaries.

This action could provide additional support to EUBAM to implement its mandate and to support the Moldovan authorities to relevant activities indicated above, in line with its mandate.

In case democratically elected government loses control over Ukraine's territory, any budget support payment in favor of Ukraine will only be executed if a democratically elected government of Ukraine is in control over the management of the treasury.

### **3.3 Mainstreaming**

#### **Environmental Protection, Climate Change and Biodiversity**

Building on the EU-IOM Joint Initiative, the Action will continue to integrate to the extent possible environmental and climate change considerations in the planning of the reintegration activities. Community development and reintegration activities will notably take into account ongoing environmental changes and promote community projects that support reforestation and waste management, as well as promote “green jobs” such as beekeeping and recycling.

#### **Outcomes of the Strategic Environmental Assessment (SEA) screening**

The SEA screening concluded that no further action was required.

#### **Outcomes of the Environmental Impact Assessment (EIA) screening**

The EIA screening classified the Action as Category C (no need for further assessment).

#### **Outcome of the Climate Risk Assessment (CRA) screening**

The CRA screening concluded that this Action is no or low risk (no need for further assessment).

#### **Gender equality and empowerment of women and girls**

As per OECD Gender DAC codes, this Action is labelled as G1<sup>23</sup>. This implies that gender concerns will be mainstreamed in all activities under this Action to the extent possible, taking into account the challenging and sensitive context in which the Action will take place. The Action will ensure that assistance provided is tailored to the needs of women and girls, and thus also contributing to the EU Gender Action Plan (GAP) III<sup>24</sup>. Given the nature of the Action, the protection of human rights and due process will be an integral part of the activities carried out. Both age and gender considerations will be mainstreamed in all activities of the project, with gender and age sensitive information campaigns, implementation of the referral mechanisms, equal participation in training programmes and sex disaggregated data. Unaccompanied minors and victims of trafficking in human beings will be provided with specialised, gender specific and child sensitive assistance and protection.

#### **Human Rights**

The Action will ensure full respect of the human rights of migrants and their communities, based on non-discrimination principles, self-determination and participation of the migrants as well as confidentiality and

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<sup>23</sup> Principal objective / significant objective/ not targeted.

<sup>24</sup> JOIN 2020 17 final - EU Gender Action Plan (GAP) III – An Ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action, [https://ec.europa.eu/international-partnerships/system/files/join-2020-17-final\\_en.pdf](https://ec.europa.eu/international-partnerships/system/files/join-2020-17-final_en.pdf)

right to privacy. Protection and assistance mechanisms, including assistance and protection for victims of trafficking in human beings, will take into account the specific situation and vulnerability of the migrants, such as ensuring the best interest of the child, as well as the gender and age of the victims, and the consequences of the specific type of exploitation suffered. SO 3 in section 3 will include capacity building of state actors and civil society for the protection, promotion and fulfilment of human rights of the targeted population.

## Disability

As per OECD Disability DAC codes identified in section 1.1, this Action is labelled as D0. Nevertheless, should persons with disabilities be targeted, special attention will be given throughout the process taking into account the specific situation and the degree of vulnerability.

## Conflict sensitivity, peace and resilience

The refugees are a direct consequence of the conflict in Ukraine. The implementation of the Action is foreseen in Moldova and possibly other countries in the region whereby peaceful coexistence with local populations is also a cross cutting issue which will be considered across all elements of the implementation, through needs assessments and context analysis. For the success of the Action, it is essential that efforts are made to maintain dialogue with local population and ensure sensitisation of the community.

### 3.4 Risks and Lessons Learned

Category	Risks	Likelihood (High/ Medium/ Low)	Impact (High/ Medium/ Low)	Mitigating measures
External environment	Instability, security, changing government priorities, including the risk of politicisation of migration.	H	H	The EU Delegations – together with the selected implementing partners - will engage with relevant authorities at the highest level possible to advocate for the programme’s rights-based approach and other principles. If effective follow-up and monitoring mechanisms cannot be established in a given country, operations will be put on hold.
	Lack of political will and commitment from the beneficiary countries to facilitate assisted voluntary repatriation and sustainable reintegration.	L	H	In close cooperation with EU Delegations, the Action will promote regular inter-stakeholder dialogue and information exchange, based on evidence, regarding the benefits for countries to engage in repatriation and sustainable reintegration at national and local level. The successful example of Tunisia should be taken into account as part of the information exchange,

				including by involving Tunisian authorities if possible.
Government officials deny direct access to migrants in migrant facilities in Moldova or other countries of the region.	<b>L</b>	<b>H</b>		Through this Action, maintaining effective and positive relationships with officials will remain critical to ensure implementation.
Change of refugee flow as a result of the conflict during the realisation of the project can significantly increase or reduce the number of migrants opting for VHR to selected target countries of origin.	<b>H</b>	<b>H</b>		The Action will include constant monitoring of migratory flows and VHR demand to allow for early detection of changes in the migration patterns. To ensure the Action responds to repatriation flows and reintegration needs, adaptations to the countries of origin targeted for reintegration support will put in place to the extent possible. The Action takes a regional approach to be able to adapt to changing patterns of movements
Access issues related to security and conflict, including deteriorating security situation on roads, leading to some populations being cut-off	<b>H</b>	<b>H</b>		The Action continues to coordinate with the involved partners, authorities and communities regarding security. Activities may be delayed until the security situation in the target area is sound and there is no potential for harm to beneficiaries or project staff; training sites may be moved pending security assessments.
Security and political situation changes in countries of Repatriation impeding ability to conduct repatriation and provide reintegration assistance	<b>M</b>	<b>M</b>		IOM is aware of fragile political/security situation in various countries of Repatriation. The risk can be mitigated through strong partnership with local government entities
Sudden pandemic (including resurgence of the COVID-19 pandemic) of communicable diseases that hinder staff mobility and activity implementation.	<b>M</b>	<b>H</b>		The selected implementing partner(s) will follow international regulations and advisory from the World Health Organization, and will focus on reprogramming to achieve the intended results of the Action in consultation with the donor.
Activities are delayed due to conflicting priorities of the authorities.	<b>M</b>	<b>M</b>		The Action is supported by the EU and the EU Member States; there will be constant dialogue to ensure safe passage of people.
Lack of cooperation of recipient countries of the TCNs	<b>L</b>	<b>H</b>		The Action is designed in coordination with national stakeholders in countries of origin and transit to ensure that

				activities are aligned to national needs. Continued policy dialogue with concerned institutions will raise the need for engagement at all levels.
	The airspace maybe remain closed for an extensive period. Delays in the execution of the transport possibilities	M	M	The Action is designed to allow adaptive programming of activities during implementation to respond to emerging and shifting priorities. The transport via Romania with supporting transit papers is actively pursued.
Planning, processes and systems	IOM and stakeholders, including EUBAM, have inadequate capacity to support national authorities and to identify and provide vulnerable migrants with specific assistance	M	M	Continuous capacity development for IOM and EUBAM to support national authorities and to strengthen coordination for pre-departure and after-arrival assistance.
	Low capacity and lack of interest in project's activities shown by main governmental and non-governmental partners	M	M	Coordination meetings organized with NGOs and government partners are envisaged to identify challenges and discuss measures to overcome threats and obstacles.
	Delay and slow pace of TCN's Consulates in establishing identity and issuing Travel Documents	M	M	Enhanced involvement of the diplomatic missions in the IOM information dissemination and training activities.
People and the organization	Lack of interest and insufficient understanding of project measures by potential beneficiaries	L	L	Enhanced information dissemination and direct counselling performed by Counsellors and Case Workers, including jointly with consular representations and other key selected stakeholders in countries of Repatriation.

### Lessons Learned:

For the past five years, the EU-IOM Joint Initiative has been strengthening an integrated approach to voluntary repatriation and sustainable reintegration in Africa. Based on this experience, several challenges and good practices have been encountered from which lessons can be drawn<sup>25</sup>:

Integrating protection assistance feeds into national systems – the structures and partnerships established through the current EU-IOM Joint Initiative should be maintained and strengthened. Governmental and non-governmental partners have gained, through capacity building activities, knowledge and skills on how

<sup>25</sup>See for example the “Learning Lessons from the EUTF” report:

[https://ec.europa.eu/trustfundforafrica/sites/eutf/files/exec\\_summary\\_lji\\_0.pdf](https://ec.europa.eu/trustfundforafrica/sites/eutf/files/exec_summary_lji_0.pdf) and

[https://ec.europa.eu/trustfundforafrica/sites/eutf/files/learning\\_lessons\\_from\\_the\\_eutf\\_5.pdf](https://ec.europa.eu/trustfundforafrica/sites/eutf/files/learning_lessons_from_the_eutf_5.pdf). Complementary reference studies are:

<https://ecdpm.org/wp-content/uploads/Sustainable-Development-Approach-Return-Reintegration-Dilemmas-Choices-Possibilities-ECDPM-Discussion-Paper-291-2020-1.pdf>, and <https://au.int/en/pressreleases/20210624/au-eu-and-icmpd-launched-study-return-readmission-and-reintegration>.

to identify migrants' vulnerabilities and address their needs so as to be able to implement activities themselves. One of the main achievements has been building partners' ownership, awareness and skills on migrants' needs and vulnerabilities and how to respond to them. Maintaining the level of flexibility of the current programme as a crucial asset to address changing situations and needs. It should be maintained in future programming.

### **3.5 The Intervention Logic**

Due to the conflict in Ukraine, Third Country Nationals may want to leave Ukraine, Moldova and potentially other countries in the region and are in need of protection. For their survival and wellbeing their transit through countries of the region, protection, repatriation and reintegration in their countries of origin needs to be ensured.

To contribute to the Multiannual Indicative Programme objective of 'Enhanced capacity to prevent, prepare, and respond to natural and man-made disasters', the underlying intervention logic for this Action is that there is a necessity to support protection, transit, repatriation and reintegration of affected Eastern Partnership citizens and third country nationals in the region affected by the conflict in Ukraine (Overall Objective).

If affected Eastern Partnership citizens and TCNs in Moldova and possibly other countries of the Eastern Neighbourhood have access to flexible and human-centred solutions, including transit through those countries, and repatriation to country of origin and family reunification.

If affected Eastern Partnership citizens and TCNs in Moldova have access to pre-departure and travel assistance in the context of voluntary dignified repatriation

Changing circumstances on the ground will be factored in,

*Then further effective and dignified first line processing and safe voluntary dignified repatriation options for affected Eastern Partnership citizens and TCNs in the Republic of Moldova and possibly other countries in the Eastern Neighbourhood including transit across countries are developed (SO1)*

If national stakeholders have access to operational support for the provision of effective and dignified first line processing and voluntary dignified repatriation and mainstream protection of Affected Eastern Partnership citizens and TCNs.

*Then the Government of Moldova and possibly other countries in the Eastern Neighbourhood will implement effective and dignified first line processing and voluntary dignified repatriation processes and procedures for affected Eastern Partnership citizens and TCNs (SO2)*

If the effective and dignified first line processing of TCNs has taken place and TCNs are provided with guidance in their home countries to ensure that voluntary dignified repatriation are linked with reintegration and other development initiatives

*Then TCNs have a safe passage through Moldova and TCNs benefit from reintegration guidance in countries of voluntary repatriation (SO3)*

### 3.6 Indicative logframe

Results	Results chain: Main expected results [maximum 10]	Indicators [it least one indicator per expected result]	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
<b>Impact</b>	The resilience of the National stakeholders in the Government of Moldova and other countries in the Eastern Neighbourhood has been strengthened, inter alia by EUBAM, and the affected Eastern Partnership citizens have dignified passage through Moldova and stranded vulnerable third country nationals are safely repatriated to and reintegrated into countries of origin.	Given the circumstances, the IP sets the baseline in the inception phase.	To be established by IP in first month of implementation	To be established by IP in first month of implementation	Given the circumstances, the IP sets baseline in the inception phase.	<i>Not applicable</i>
<b>Outcome 1</b>	Further safe and dignified first line processing of affected Eastern Partnership citizens and TCNs is conducted at the border	Idem	To be established by IP in first month of implementation	To be established by IP in first month of implementation	idem	In the circumstances, the IP sets assumptions in the inception phase.
<b>Outcome 2</b>	National stakeholders in the Government of Moldova, supported inter alia by EUBAM, and other countries in the Eastern Neighbourhood are able to effectively implement first line processing, voluntary dignified repatriation and protection for affected Eastern Partnership citizens and TCNs	Idem	Idem	Idem	Idem	Idem

<b>Outcome 3</b>	Vulnerable Eastern Partnership citizens and TCNs benefit from safe transit, facilitation of movement and voluntary dignified repatriation with reintegration support options in countries of repatriation	Idem	Idem	Idem	Idem	Idem
<b>Output 1 related to Outcome 1</b>	1.1 Affected Eastern Partnership citizens and TCNs in Moldova and possibly other countries of the Eastern Neighbourhood have access to flexible and human-centred solutions for voluntary dignified repatriation and interim passage, as well as pre-departure and travel assistance	Idem	Idem	Idem	Idem	
<b>Output 1 related to Outcome 2</b>	National stakeholders in Moldova are supported operationally, inter alia by EUBAM, in first line processing of voluntary dignified repatriation and protection in the context of safe passage and voluntary repatriations of affected Eastern Partnership citizens and TCNs	Idem	Idem	Idem	Idem	
<b>Output 1 related to Outcome 3</b>	Eastern Partnership citizens and TCNs are provided with safe transit, facilitation of movement and repatriation with reintegration support options in countries of voluntary repatriation	Idem	Idem	Idem	Idem	



## **4. IMPLEMENTATION ARRANGEMENTS**

### **4.1 Financing Agreement**

In order to implement this Action, it is not envisaged to conclude a financing agreement with the partner countries.

### **4.2 Indicative Implementation Period**

The indicative operational implementation period of this Action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 36 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### **4.3 Implementation Modalities**

The Commission will ensure that the EU appropriate 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>26</sup>.

#### **4.3.1 Indirect Management a pillar-assessed entity**

This Action may be implemented in indirect management with IOM, which was selected by the Commission's services using the following criteria: proven track-record and highly specialized experience in the sector and country targeted; significant and specialized competence as to operational capacity, value added, transparency, proven experience in coordination among international and local actors at both EU and country level.

The implementation by this(ese) entity(ies) entails full implementation of the Action as indicated in point 3 of the present document.

Exception to the non-retroactivity of costs

Pursuant to Article 193.2 FR, the Commission authorises that the costs incurred may be exceptionally recognised as eligible as of the 24 February 2022 because of the emergency character of the Action following the beginning of Russia's aggression beginning on 24 February 2022.

#### **4.3.2 Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances (one alternative second option)**

If the implementation modality under indirect management, as described under 4.3.1, cannot be implemented due to circumstances outside of the Commission's control, this Action may be implemented in direct management (procurement).

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<sup>26</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.

#### 4.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this Action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

#### 4.5 Indicative Budget

<b>Indicative Budget components</b>	<b>EU contribution (amount in EUR)</b>
<b>Covering SO 1-3</b> Indirect management – cf. section 4.3.1	<b>15 000 000</b>
<b>Evaluation</b> – cf. section 5.2 <b>Audit</b> – cf. section 5.3	will be covered by another Decision
<b>Communication and visibility</b> – cf. section 6	N.A.
<b>Totals</b>	<b>15 000 000</b>

#### 4.6 Organisational Set-up and Responsibilities

A Steering Committee (SC) providing guidance and strategic orientation will be established for the Action. The EU Delegation may establish – on the bases of their preference and the variety of national and international interlocutors – whether one or more SC are necessary based on the different components of the Action. These will be co-chaired by representatives of the EU Delegation and implementing partner(s). Depending on the subjects to be discussed, meetings shall be open to the participation of national Institutions and other relevant stakeholders, including those in direct contact with the final beneficiaries (civil society organisation, state actors). In principle, all EU Member States shall be invited to participate to these meetings.

The Action shall be included in new and existing national coordination mechanisms/working groups between Institutions and key stakeholders in each of the targeted countries, including those under the leadership of the EU Delegations, with the ultimate aim to foster synergies, including with other EU and MS funded interventions. These mechanisms shall not duplicate existing working groups, fora or platforms, but rather build on and complement existing national coordination tools. Implementing partner(s) will have established presence in the target countries.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the Action.

## **5 PERFORMANCE MEASUREMENT**

### **5.1 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 reports. Every 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 direct Outcomes) as measured by corresponding indicators, using as reference the log-frame matrix.

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).

Roles and responsibilities for data collection, analysis and monitoring:

As stated in the Better Regulation, to be comprehensive, the monitoring system put in place must also cover the objectives of the Action. Implementing partners' monitoring system is therefore expected to measure, and report, on progress in relation to the planned outputs, outcomes and impact of the Action by means of RACER (Relevant, Accepted, Credible, Easy, Robust) and SMART (Specific, Measurable, Achievable, Realistic, Time-related) indicators related to a baseline situation. A balanced indicator system should also include both quantitative and qualitative indicators as well as gendered indicators to be able to monitor gender equality. In addition, considering the multi-country nature of this Action, indicator values will be measured, and reported, both on a country-by-country basis and in an aggregated manner.

Establishing corresponding baselines and targets for each indicator selected will be the responsibility of implementing partners' and this information will be provided at contracting level (at the latest at the end of the inception phase). If a baseline survey is deemed necessary, correlated periodic and/or final studies to collect results data during and/or at the end of implementation will need to be envisaged. Such surveys can be financed under the regular budget of the Action and should be budgeted accordingly at contracting level (through specific budget lines identified for this purpose).

The Monitoring system put in place will collect and analyse data to inform on progress towards achievement of planned results to feed decision-making processes and to report on the use of resources. Considering the multi-country nature of this Action, the separation of tasks and coordination on monitoring and reporting duties between the implementing partners involved in the Action will have to be detailed and agreed upon by all parties involved at contracting stage. In addition, Result-based reporting will be used to foster the active and meaningful participation of all stakeholders involved in the Action. In this sense, result-based reports will be presented and discussed during the Action's steering committee or any other relevant coordination mechanisms established in the framework of this Action.

For the Action the repatriation and reintegration outcomes will be monitored based on the agreed standard methodology for repatriation and reintegration monitoring and evaluation, which includes for instance standard monitoring and satisfaction surveys administered to beneficiaries at different points after repatriation. Data generated by the Action will be collected including through an established case management system and will be analysed to draw lessons learnt and adjustment measures to be taken during the implementation of the Action, and for similar future Actions.

Monitoring and evaluation approaches, as well as implementing methodologies applied by the Action will build upon stakeholders' experience on delivering Assisted Voluntary Return and Reintegration and

Voluntary Humanitarian Returns, including in the frame of the EU-IOM Joint Initiative. Based on this, due consideration will be paid to the quality of repatriation counselling, which will need to include timely, reliable and accurate information on repatriation and reintegration processes and procedures. Additionally, solid partnerships will be harvested both in Moldova as well as in countries of repatriation, and will include national authorities at central and local level, as well as civil society actors and service providers. The complexity of repatriation and sustainable reintegration cannot be addressed solely by one partner or by the Action, but will need to necessarily leverage on the joint and coordinated support based on whole-of-society approach.

## **5.2 Evaluation**

Having regard to the importance of the Action, a mid-term or a final evaluation will be carried out for this Action or its components via independent consultants contracted by the Commission.

In case a mid-term evaluation is envisaged, it will be carried out for learning purposes, in particular with respect to the intention to launch a new phase of the Action when relevant.

In case a final evaluation is envisaged it will be carried out for accountability and learning purposes, including for policy revision, taking into account in particular the fact that the field of migration management is sensitive, thus it requires close analysis of its effectiveness as well as the level participation of direct beneficiaries (right holders), as well as the accountability of the partner countries involved.

The Commission shall inform the implementing partner at least 30 days in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner countries and other key stakeholders following the best practice of evaluation dissemination. The implementing partner(s) and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner countries jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a Financing Decision

## **5.3 Audit and Verifications**

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 audit or verification assignments for one or several contracts or agreements.

## **6 COMMUNICATION AND VISIBILITY**

All entities implementing EU-funded external Actions have the contractual obligation 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. To that end they must comply with the instructions given in the Communication and Visibility Requirements of 2018 (or any successor document).

This obligation will apply equally, regardless of whether the Actions concerned are implemented by the Commission, the partner country, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU Member States. In each case,

a reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and delegation agreements.