

## 2019 Discharge to the Commission and to the EDF

### **COMPLEMENTARY WRITTEN QUESTIONS TO COMMISSIONER URPILAINEN**

Hearing on 1 December 2020

#### **1. Diversion of development funds towards migration “management” projects**

An extremely well documented report by 14 NGOs, including Privacy International, has recently provided overwhelming evidence showing that billions of European taxpayer’s money that should normally go to development projects/poverty eradication are in fact being used to train and equip security forces of the African countries.

Hundreds of the pages obtained from the European Commission and the EU agencies show how the EU is providing African authorities with the digital surveillance tools in the hope that they will use them to prevent migrants from reaching EU borders.

Few examples:

- the Emergency Trust Fund for Africa (EUTF Africa) allocated 11.5 million euros to Niger for a funding programme which uses EU aid money for migration control, for the provision of surveillance drones, surveillance cameras, surveillance software, a wiretapping centre, and an international mobile subscriber identity catcher (IMSI catcher).

- In Libya, more than €42 million was allocated by the EUTF for a border control project in 2019. This project includes the provision of patrol boats, SUV vehicles workstations, radio-satellite communication devices, and other equipment to the Libyan coast guard authorities, as well as the Directorate for Combatting Illegal Migration.

- In addition, the EUTF is used to fund the development of large-scale biometric identity systems across the African continent and awards lucrative contracts to well-connected European security companies.

It must be noted that none of these projects contain an impact study on the risks of drift and the possibility of human rights violations, despite multiple evidences that the mentioned Libyan authorities, for example, commit serious human rights violations towards migrants.

A substantial part of the EP resolution (A9-0057/2020) on the 2018 EDF Discharge denounced the fact that European development aid is increasingly being pushed to respond to the EU migration agenda, diverting it from its main objective of fighting poverty.

**Question 1a:**

Could you confirm, Mrs Urpilainen, the findings of the above-mentioned NGOs report?

**Commission's answer:**

The Commission is aware of the mentioned report and wants to reassure the European Parliament that it takes the expressed concerns seriously and is looking into the detailed findings.

As a starting point, the Commission would like to underline that migration is an integral part of the 2030 Agenda and its SDGs. With the 2015 European Agenda on Migration, and the more recent EU Pact on Migration and Asylum, the EU has put in place a balanced migration policy based on the principles of partnership, shared responsibility and solidarity. It is comprehensive and respectful of the intrinsic relations between migration and development. Spending EU development funds on improving migration management is not a contradiction to development goals; well managed migration and mobility has positive impacts on development.

Support to democratic governance is a key priority for EU external action, and EU development cooperation follows a human rights-based approach, encompassing all human rights. In all our areas of work, we promote a rules-based order and this also entails support for the adoption of legal frameworks and standards in all regions where we have cooperation projects. These standards can be global such as the UN Personal Data Protection and Privacy Principles, enforced in particular through the EU funded Joint Initiative with IOM and UNHCR, or regional, such as the ECOWAS supplementary act on data protection, inspired by EU best practice.

In the security sector, the EU abides by procedures and approaches that correspond to Member States' common practices and legal frameworks, in line with human rights' principles, all along the judicial chain. Projects funded by the EU aim to preserve the rule of law and human rights' safeguards in partner countries' national regulations and procedures, in order to tackle the current threat posed by terrorism and organised crime around the world, while protecting people rights, just as we do within the Union.

In this context, the EU supports partner countries in their fight against criminal and terrorist networks, which often use modern tools and are better equipped than national defence and security forces. Therefore, the provision of equipment, training and technical assistance to partner countries is necessary to close that gap. The provision of modern equipment improves the operational capacities and effectiveness of law enforcement agencies. It also strengthens good governance by basing investigation and prosecution of criminals on solid forensic evidence, instead of relying on confessions, which can lead to human rights abuses, wrongful conviction and miscarriage of justice.

***Detailed response on the 2 mentioned projects funded under the EUTF for Africa:***

**Niger:** This programme aims at strengthening the capacities of the Nigerien police and criminal justice system in their fight against criminal networks involved in migrant smuggling and trafficking in human beings through the creation of a Joint Investigation Team (JIT). No IMSI catcher has been bought as part of the project and, more importantly, the Joint Investigation Team operates under the supervision of a magistrate. The cameras and drones purchased through the project are not sophisticated "surveillance equipment" from intelligence agencies but basic technical items. More

specifically: 5 civilian drones worth EUR 1200 each, with a battery life of 30 minutes have been bought to locate traffickers as part of the investigations, along with 24 cameras worth EUR 220 each to collect forensic evidence against the traffickers.

The legal framework for the JIT is clear: the 2015-036 Nigerien Law sets out a strict framework for the “Division des Investigations Spéciales” (DIS), to which the Joint Investigation Team belongs. All the investigations are conducted under the authority of the prosecutor or the investigating magistrate designated by the Ministry of Justice. Article 8 of the above mentioned Law stipulates that the use of surveillance of landline or mobile phone lines can be requested by the investigating magistrate, based on solid and consistent evidence.

Regarding data protection at large in Niger, the Commission deems that an appropriate legal framework is in place. Since 3 May 2017, Niger passed a law on protection of personal data, which transposes the 2010 ECOWAS supplementary act into national law. The ECOWAS Act is the standard for the region and drew from best practices, including at EU level, notably Directive 95/46/EC. Moreover, the Nigerien data protection authority (*Haute Autorité à la Protection des Données Personnelles*) has been operational since 20 August 2020.

**Libya:** The Commission has been working to increase the operational capacity of the Libyan Coast Guard and Port Security (LCGPS), which falls under the Libyan Ministry of Defence, and the General Administration for Coastal Security (GACS), which falls under the Libyan Ministry of Interior. Support is provided through trainings and the delivery of equipment, as part of the overall border management support to Libya under the North of Africa window of the EUTF since 2017. The objective of this support is to prevent loss of life in the Mediterranean and to tackle migrant smuggling and human trafficking networks. Only in 2020 (as of 23 November), 11,765 people had been rescued at sea by the LCGPS and the GACS (10,169 by the LCGPS alone). It should be noted that part of the EU funding for border management was recently reoriented, following a decision in July 2020 to devote EUR 30 million to support Libya in the face of the COVID-19 pandemic.

The claim that development funds are being diverted to migration control is not correct. Support to Libya is financed by contributions to the North of Africa window of the EUTF from various EU instruments (European Neighbourhood Instrument, the Development Cooperation Instrument, the Asylum, Migration and Integration Fund) and from EU Member States. While the Commission considers activities under the EUTF as Official Development Assistance (ODA) compliant, it is important to note that the mentioned EU funds are underpinned by different legal and financial rules, which do not have to comply with ODA rules. This is for instance the case of the Asylum, Migration and Integration Fund (EUR 110 million contribution).

The Commission’s support to the relevant Libyan authorities, whose main objective is to improve their capacities to execute Search and Rescue at sea, falls entirely under the OECD Development Assistance Committee (DAC) purpose code 15190, which describes ODA eligibility criteria for migration management activities, including border management.

**Question 1b:**

Why puts the Commission sophisticated mass surveillance systems in the hands of African regimes without worrying for a single moment how they will be used?

**Commission's answer:**

EU funded programmes and projects do not provide sophisticated mass surveillance systems to African countries. Rather on the contrary, EU partnerships on security aims to develop the necessary safeguards to protect human rights and to integrate the European legal standards in the security sector of the countries where our projects are implemented.

Strengthening the independence of key monitoring institutions, such as the judiciary, to ensure compliance with human rights standards is precisely one of the main goals of the programme we fund. As an example, one of the objectives is to develop corresponding manuals for prosecutors and investigators in partner countries that can be used by practitioners with full respect for human rights and the rule of law.

At a strategic level, EU funded programmes provide advice to national partner authorities on standards for data protection and privacy and on how to adapt national legislation to respect such standards. At an operational level, in order to ensure full compliance with standards, training is provided, as well as technical assistance and mentoring, whether through the projects themselves, the support of EU Member States or CSDP missions deployed on the ground.

Projects supported by the EU assess whether there are any gaps in the legislation, including on data protection and privacy. They also support partner governments in drafting legislation, which provides the legal basis for biometric databases, as well as the necessary institutional frameworks.

Currently, the EUTF for Africa is supporting the creation of secured National Civil Registry Systems in Senegal and Mali. It also supports the consolidation of the already existing National Biometric Identity Databases, but it does not cover the biometric census nor the issuance of identity cards. For several years now, Senegal and Mali have been in the process of creating and issuing biometric identity cards. These documents can only be obtained by providing a copy of the birth certificate or an equivalent document (old identity card, passport). Both of them included a preliminary diagnosis phase that allows to (i) better analyse the existing infrastructures as well as the tools and the technical / technological needs; (ii) review the current legal framework, including civil legislation, data protection legislation and the framework for the interoperability with the a biometric identity databases and the creation of a national registry that will store all biometric data.

An additional project in Cote d'Ivoire will be launched soon as a continuation of the EU's efforts in support of the modernisation of the civil registry system in order to support the implementation of the National Strategy for Civil Status and Identification in Côte d'Ivoire. This project will strengthen the technical capacities of the key actors in civil status reform and their coordination dynamics. However, the biometric identity component is covered by a public private partnership attributed by the Government of Cote d'Ivoire to the Belgian company SEMLEX (with no EU funding).

The creation of secure national biometric databases will prevent the use of forged documents and help citizens take advantage of the rights inherent to their secure identity such as access to health, education, identity cards, passports, inscription in electoral rolls and social protection. It is also worth mentioning that this directly contribute to the achievement of the Sustainable Development Goals.

Civil registry projects funded by the EUTF do not include surveillance systems. The EUTF provides hardware and software, as well as capacity building to officials and support to the governance regarding data protection. In order to prevent that biometric civil registry database is accessed by non-authorized people, the system supported is secured and so are the interconnections with other administrations or consulates abroad. Neither the EU, nor the EU Member States or the implementing partners have access to the biometric national databases.

EUTF programmes base all recommendations for legal frameworks on EU standards for digital identification such as Regulation (EU) 2016/679 (GDPR), E-IDAS, Directive 2016/680.

The Commission conducts regular monitoring of all projects implemented under the EUTF, including through the reports by implementing partners and specific results-oriented monitoring exercises. In addition, given the particular challenges of the Libyan context, the European Commission has put in place third party monitoring (TPM) of operations in Libya under the EUTF. Third party monitoring has proved to be effective in improving the monitoring capacities. It leads to an increased understanding of local dynamics in Libya and quicker and better reaction to address the needs on the ground.

Two new TPM contracts for the EUTF North of Africa window programmes started in 2020. The first contract (“Third-party monitoring of results in Libya”) is providing rapid, actionable feedback on the delivery of programme activities, while also allowing more informed considered analysis of project outcomes and effects on a periodic basis. The second contract (“Third-party monitoring local impact in Libya”) is focused on compliance of a do-no-harm approach, against a situation in which EUTF programmes would not have been deployed. It should be noted that such a third party monitoring of do-no-harm compliance is rather unique.

**Question 1c:**

Can you tell us what concrete steps the Commission did undertake to follow-up the key EP demands of its 2018 EDF Discharge resolution?

**Commission’s answer:**

As of 15 December 2020, the Commission considers it has addressed 29 out of the 41 requests made concerning its 2018 EDF Discharge resolution and intends to follow up on the remaining 8 actions as soon as possible. The Commission has fully explained in its detailed replies why four requests cannot be implemented.

Many of the concerns related to the diversion of development funds towards migration management projects are regularly addressed through the procedures set for the implementation of EUTF-funded actions. The Commission highlights that the Trust Fund does not divert official developed assistance (ODA) resources from the development priorities of partner countries towards the immediate interests of the EU to address migration from Africa. The Commission also refers to its detailed replies to § 48, § 61, § 67, § 68, § 69, § 70, § 71 and § 72 of the EDF resolution.

[https://www.europarl.europa.eu/cmsdata/212171/2018%20EP%20Discharge%20follow-up\\_FINAL.docx.pdf](https://www.europarl.europa.eu/cmsdata/212171/2018%20EP%20Discharge%20follow-up_FINAL.docx.pdf)



## **2. The Commission's rejection of the proposal of the developing countries on the TRIPS waiver**

A few weeks ago, we were a small group of MEPs writing to the Commission asking for your support for South Africa and India's proposal for a temporary waiver at the World Trade Organization Council (WTO) of certain aspects of trade-related intellectual property rights in order to facilitate the prevention, containment and treatment of COVID-19.

The waiver of the so-called "TRIPS" agreements of the WTO would have allowed developing countries to collaborate in the research, development, manufacturing, and supply of COVID-19 tools, such as vaccines, diagnostics and other technologies, including masks and ventilators. In other words, this temporary measure would help developing countries cope better with the current pandemic situation.

Surprisingly, the Commission chose the side of big pharma and opposed this initiative along with a small group of rich countries at the WTO last October.

The Commission defends itself that it had put 500 million euros (coming from the EDF) at the disposal of the International COVAX Facility to support the purchase of future vaccines for the benefit of developing countries.

But, the Commission itself admits that the EU's financial contribution to the COVAX facility is largely insufficient to meet global demand. In addition, that only limited quantities of COVID-19 vaccine doses can be reserved for the COVAX mechanism as countries with high income have secured much of the global vaccine supply at the expense of the majority of the world's population living in low- and middle-income countries.

### **Question 2a:**

Why is the Commission refusing the temporary waiver from the WTO TRIPS agreements requested by developing countries to deal better with the pandemic?

### **Commission's answer:**

Universal and equitable access to safe and effective diagnostics, treatments and vaccines is crucial in the fight against COVID-19.

Achieving this objective is a priority of this Commission. The Commission is leading the Coronavirus Global Response for universal access to affordable COVID-19 vaccination, treatment and testing.

The COVAX Facility – the international initiative to ensure global access to vaccines for COVID-19 – brings together governments, the WHO, UNICEF, the private sector, including manufacturers, civil society and philanthropy. The Commission believes this initiative is the best way to ensure that global production will be achieved at scale, all countries can access vaccines, and high-income countries finance the vaccines and their deployment for low- and middle-income countries. The EU is the main contributor to the COVAX Facility.

The intellectual property system, with its checks and balances, does not stand in the way of these efforts. Indeed, it is part of the solution to the challenge of universal and equitable access to vaccines and COVID-19 treatments.

What is most needed now, beyond developing vaccines, is the ramping up of manufacturing of vaccines and the best way of achieving that is by disseminating the technology and know-how of those who developed the vaccines through licensing arrangements. Intellectual property is a key factor in providing a framework that enables these arrangements.

WTO rules allow addressing problems in the licensing of vaccines technology and know-how. Governments can, for example, grant compulsory licences without the patent owner's consent. The granting of these compulsory licences can be fast-tracked in emergencies such as the current pandemic.

In addition, under a special compulsory licensing regime, compulsory licences can be granted also for exports of medicines or vaccines to countries with no or insufficient manufacturing capacity. This mechanism is specifically designed to protect people in countries without production facilities. The EU is ready to discuss with all WTO Members what can be done to facilitate the implementation of these flexibilities to ensure that they can be used in a swift manner when the need arises.

A global crisis requires global cooperation. This is the spirit in which the EU and other like-minded WTO partners have submitted a proposal to the WTO on the so-called "Trade and Health Initiative" under which all WTO members would jointly agree on a number of actions in response to the current crisis and undertake commitments that would contribute to an effective response to any future crisis. We are committed to an open and comprehensive dialogue with all WTO Members to explore how the multilateral rules-based trading system can best support universal and equitable access to COVID-19 vaccines and treatments.

**Question 2b:**

Could you confirm that you will endeavour as the EU Commissioner on the International partnerships to change the Commission's position on the proposed waiver?

**Commission's answer:**

Beyond the EU's comprehensive support to the research, manufacture, and deployment of vaccines, diagnostics and treatments, The Commission will endeavour to help address the key bottlenecks that remain: making the COVAX facility effective in pooled purchasing for lower and middle income countries, helping EU partner countries get prepared to roll out the vaccines once they arrive, and foster closer collaboration between the regulatory agencies, notably the European Medicines Agency, the World Health Organisation, and the national regulatory agencies in partner countries, so that new vaccines, treatments, and diagnostics can be made available around the world as soon as possible.

The Commission will also make sure that the future Neighbourhood, Development and International Cooperation Instrument (NDICI) will support countries to build and strengthen their health systems to end the current pandemic and be better prepared in the future.

The issues brought up in the WTO in the context of the ongoing discussion are important and merit further reflection and significant consideration to determine the exact nature of challenges faced by WTO Members in addressing COVID-19. It is important to emphasise that intellectual property rights are but a part of a broader response to COVID-19 which includes also significant investments made by the EU in the COVAX Facility as well as the work undertaken by the EU in the WTO to safeguard global supply chains.

Trade policy can support the vaccine delivery by keeping markets open to essential healthcare products, avoiding export restrictions and adopting trade facilitation measures. This is the objective of the so-called “Trade and Health Initiative” which the EU and other like-minded WTO partners have submitted to the WTO. As already mentioned, we are committed to an open and comprehensive dialogue with all WTO Members to explore how the multilateral rules-based trading system can best support universal and equitable access to COVID-19 vaccines and treatments.

**Question 3:**

Could the following documents and information be made available to the European Parliament?

- a. EDF regulation;
- b. A breakdown of grants awarded through the EDF to each country and sector;
- c. Implementation reports of the 11th EDF (interim and final);
- d. Flowcharts of the EDF decision (within its scope);
- e. Indicators related to the implementation and leverage effect of the EDF;
- f. Performance indicators of the grants and loans of the EDF combined;
- g. Examples of blending between grants and loans.

**Commission’s answer:**

a. EDF regulation:

The EDF regulation is a public document available on the Official Journal OJ L 158, 3.3.2015. Please see relevant link below:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2015:058:TOC>



Council Decision (EU) 2015/334 of 2 March 2015 amending the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies:

[http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1425385692639&uri=OJ:JOL\\_2015\\_058\\_R\\_0013](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1425385692639&uri=OJ:JOL_2015_058_R_0013)

Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund:

[http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2015.058.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.058.01.0001.01.ENG)

Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund:

[http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2015.058.01.0017.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.058.01.0017.01.ENG)

**b. Grants awarded through the EDF to each country and sector:**

The allocation of the European Development Fund for each country is presented in the table 3.5.3 of Annex 3b of the Annual Activity Report of DG DEVCO (Draft annual accounts and financial reports of the EDF). The report and the annexes are available on Europa via the following link:

[https://ec.europa.eu/info/publications/annual-activity-reports-2019\\_en](https://ec.europa.eu/info/publications/annual-activity-reports-2019_en)

Commitment and payment amounts by sector is presented, cross-referenced with other analytical dimensions, in tables 6 to 12 of the Financial Annexes (chapter 6) of the “Staff Working Document of the Annual Report on the implementation of the European Union’s instruments for financing external actions”, which is available on the internet at the following link: [https://ec.europa.eu/international-partnerships/news/annual-report-2019\\_en](https://ec.europa.eu/international-partnerships/news/annual-report-2019_en)

**c. Implementation reports of the 11th EDF (interim and final):**

The report on the financial implementation of the European Development Fund produced by the Commission in accordance with Articles 17 and 39 of the EDF Financial Regulation is presented in Annex 3b of the Annual Activity Report of DG DEVCO (Draft annual accounts and financial reports of the EDF). The report and the annexes are available on Europa via the following link:

[https://ec.europa.eu/info/publications/annual-activity-report-2019-international-cooperation-and-development\\_en](https://ec.europa.eu/info/publications/annual-activity-report-2019-international-cooperation-and-development_en)

Please note there is no interim version of this report.

d. Flowcharts of the EDF decision (within its scope):

The steps for adopting an EDF decision are outlined in the Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund.

e. Indicators related to the implementation and leverage effect of the EDF:

In accordance with Art. 5 of Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund, the Multiannual indicative programmes shall set out, among others, the **performance indicators** to facilitate the evaluation of the achieved results. They will also explain how the proposed programmes will contribute to the overall country strategy referred to in this Article and how they will contribute to delivery of the Agenda for Change. In accordance with aid effectiveness principles, the intra-ACP strategy shall avoid fragmentation, and ensure complementarity and real value added with the country and regional programmes. The outputs and, in principle, the outcomes shall have specific, measurable and realistic indicators, with baselines and time-bound benchmarks, aligning with the partner country or region's own outputs and benchmarks to the maximum extent possible.

In accordance with Art. 18 of the Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund, the Commission and the EIB monitor regularly their actions and measures financed and review the progress made towards delivering expected results. The evaluations are based on OECD/DAC good practice principles, seeking to ascertain whether the specific objectives, taking into account gender equality, have been met, to formulate recommendations and to provide evidence to facilitate learning with a view to improving future operations. Those evaluations shall be carried out on the basis of pre-defined, clear, transparent and, where appropriate, country-specific and measurable indicators. The Commission examines the progress made in implementing the 11th EDF, including the multiannual indicative programmes, and as from 2016 and submits to the Council an annual report on the implementation. The report includes an analysis of key outputs and outcomes and whenever possible, the contribution of the Union's financial assistance to impacts. A results framework is created for this purpose. That report is also sent to the European Parliament, to the European Economic and Social Committee and to the Committee of the Regions.

The Communication from the Commission to the European Parliament, the Council and the Court of Auditors “**Annual accounts of the European Development Fund 2019**” is available under the link:

[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC1113\(05\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC1113(05)&from=EN)

The latest, 2019 annual report on the implementation of the European Union's instruments for financing external actions (including EDF) in 2018 can be found under the link:

<https://ec.europa.eu/international-partnerships/system/files/devco-annual-report-2019-en-web.pdf>

Lastly, the Commission Staff Working Document SWD(2018) 444 final <https://ec.europa.eu/transparency/regdoc/rep/10102/2018/EN/SWD-2018-444-F1-EN-MAIN-PART-1.PDF> presents the revision of the first EU Results Framework approved in 2015. The revised EU Results Framework retains its function to enhance accountability and transparency of EU international cooperation activities

f. Performance indicators of the grants and loans of the EDF combined:

The Commission follows up and supervises the implementation and monitoring by the responsible lead Financial Institutions of the grants and loans combined in the framework of the European Fund for Sustainable Development (**EFSD**), which includes the **EDF Blending Framework**. The latter covers all eligible countries under the EDF with the Africa Investment Platform (AIP), the Caribbean Investment Facility (CIF) and the Investment Facility for the Pacific (IFP), as well as relevant thematic programmes.

A common and minimum set of indicators that reflect project outputs and intended outcomes has been defined and agreed upon with International Financial Institutions and Member States. The choice of indicators was guided, inter alia, by a series of considerations, such as coherence with facility objectives and priorities, the EU's external cooperation policy objectives and financial regulation, coherence with EU general Results Measurement Framework, as well as current practices by International Financial Institutions and the possibility for aggregation and reporting to the general public.

The indicators list builds on:

- 1) The indicators set up within the EU Platform for Blending in External Cooperation (**EUBEC**) – EFSD Results Measurement Framework;
- 2) The indicators of the EU Results Framework (**EU RF**) ([Staff Working Document SWD\(2018\) 444 final](#)) which is aligned with the Sustainable Development Goals (**SDGs**).

Article 250 of the 2018 Financial Regulation foresees that the Commission annually reports to the European Parliament and Council on activities relating to financial instruments. This report, in accordance with CIR Title II, Article 4.3, is carried out at the facility level and not at the project level.

Aggregated results of selected indicators at project level are available in the DEVCO Annual Report (see Annex 4 - Aggregated results achieved with EU support – *disaggregated by funding instrument*): <https://ec.europa.eu/international-partnerships/system/files/devco-swd-web.pdf>

g. Examples of blending between grants and loans:

Blending between grants and loans helps to improve transport links, generate more renewable energy, develop the private sector, notably small and medium-sized enterprises and promote agriculture that respects people and the environment.

Descriptions of all blending projects are publicly available in the Operational Reports shared with the European Parliament and the Council. The reports are available on the following Commission website: [https://ec.europa.eu/international-partnerships/guarantees-and-blending\\_en](https://ec.europa.eu/international-partnerships/guarantees-and-blending_en)

**Question 4:**

Which entity makes or which entities make the decisions for the award of grants/loans?

**Commission's answer:**

The financing decision approves the action and contains already the required information in accordance with Article 114 of the Financial Regulation (in particular the management mode and accordingly, the type of contract/agreement to be signed).

The concrete award of a contract/agreement is made by the responsible authorising officer who receives a sub-delegation in accordance with the terms of the Commission Decision C(2018) 5120 final of 3.8.2018 on the Internal Rules on the implementation of the general budget of the European Union (European Commission section) for the attention of the Commission departments.

In the case of indirect management with a partner country, the partner country (or a public body designated by it) acting as contracting authority takes the award decision for grants. As a rule, grants are awarded following a call for proposals and based on the assessment of an independent evaluation committee. The partner country has to invite the European Commission to appoint an observer who participates in the meetings of the evaluation committee.

**Question 5:**

Which local bodies / financial intermediaries / other entities are taken into account in EDF applications in each country and region?

**Commission's answer:**

The eligibility and selection criteria for entities to carry out actions (grants or procurement) under the 11th EDF are set out in the respective call for proposals/call for tender and they may differ in function of the measure to be implemented.

Financial intermediaries are selected by the lead finance institution in charge of the implementation of the respective financial instrument. There are no general nationality restrictions for financial intermediaries. However, financial intermediaries may not be established in countries on the list of non-cooperative jurisdictions for tax purposes (NCJ) or list of high-risk third countries for the purpose of anti-money laundering (AML) (unless the operation is implemented in the same jurisdiction as the one where the financial intermediary is located).

**Question 6:**

What is the role of such entities vis-à-vis the EDF managing body: do they contribute to the definition of the areas of intervention? For the establishment of the amounts? For the selection of territorial areas to be leveraged via the EDF?

**Commission's answer:**

The role of the entities is governed by the type of agreement signed with the EDF managing body – procurement contract, grant agreement, PAGO DA, contribution agreement. Their role is to implement (part of) an action.

The global areas of intervention, maximum amounts and territorial coverage are generally defined in the guidelines for applicants for individual calls for proposals. Within that framework, grant applicants are free to propose concrete interventions.

Once the applications have been assessed by the evaluation committee and the grant agreement has been signed, grant beneficiaries are bound by the contractual arrangements and may not substantially modify the action without the agreement of the contracting authority.

**Question 7:**

What is the decision flowchart (competences, deadlines, etc.)?

**Commission's answer:**

The procedures of Commission adoption are described in the TITLE IV DECISION-MAKING PROCEDURES of Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund.

**Question 8:**

Why are some of these not yet made available by the EDF?

**Commission's answer:**

Please refer to replies given to Q3.