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ANNEX

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- (1) In the initial table, point **7. Aid modality(ies) and implementation modality(ies)** is replaced by the following:

‘Project Modality

Indirect management with a pillared assessed body such as UNOPS

Direct management through procurement for Component 2.’

- (2) In the initial table, in point **9. Markers (from CRIS DAC form), the marker “Gender equality and Girl’s Empowerment”** is replaced by the following:

‘Not targeted (G0)’

- (3) Point **1.2 Policy Framework (Global, EU)** is replaced by the following:

‘Relations with the European Union are defined by the Council Decision (EU) 2021/1764 of 5 October 2021 on the Association of the Overseas Countries and Territories with the European Union including relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other (Decision on the Overseas Association including Greenland, DOAG). The DOAG sets a certain number of areas of cooperation. Most of them can be encapsulated under the definition of resilience, with numerous ramifications.

EU cooperation with Sint Maarten is further framed by Part IV of the Treaty on the Functioning of the European Union (TFEU). Article 198 of TFEU emphasises that the association shall ‘promote the economic and social development of the countries and territories and establish close economic relations between them and the Union as a whole’.

With the Overall Objective of *Socio-economic development for Sint Maarten*, this action is highly relevant under this extended 2014-2020 territorial allocation. The choice of sewerage and sanitation is also in line with sustainable development identified by the DOAG. Part II of the DOAG sets out the areas of cooperation for sustainable development, with Chapter 1 emphasising on environmental issues, climate change, oceans and disaster risk reduction (in particular, Article 15, promotion of sustainable use of resources and resource efficiency, and encouragement towards the decoupling of economic growth from environmental degradation; Article 16 Sustainable management and conservation of bio diversity and ecosystem services; Article 18 Integrated coastal zone management; Article 19 Oceans). Finally, Part IV of the DOAG sets out the instruments for the sustainable development of the OCTs, with Articles 74 and 75 in particular foreseeing the provision of adequate financial resources and appropriate technical assistance aimed at strengthening the OCT’ capacities to formulate and implement strategic and regulatory frameworks such as in the fields of sustainable waste and water management (Articles 20 and 21). Strong partnerships for water and oceans, for zero pollution, for circular economy, for biodiversity, and for environmentally friendly food systems are foreseen under the Green Deal¹ as well as the protection and promotion of decent work, human rights, including labour rights under the

¹ [Communication “The European Green Deal” COM\(2019\) 640 final](#)

associated Just Transition. The main objective of cooperation with Sint Maarten on water and sanitation will be to address sustainable wastewater collection and treatment for the protection of the marine and terrestrial environment, safeguarding public health and enabling reuse of wastewater resources in suitable agricultural use. In addition, this priority area is consistent with the EU Environment Action Programme to 2030², since it will boost global competitiveness, fostering sustainable economic growth and generating new jobs. It is closely aligned to the new EU Biodiversity Strategy for 2030³ aimed at protecting nature and reversing the degradation of ecosystems. Finally, it is important to mention that Sint Maarten⁴ has ratified main international conventions on human and labour rights (including ILO Conventions on Labour Rights, the CEDAW⁵, the Convention on the Rights of the Child) and therefore ensures the alignment of all its interventions, including through EU-funded actions, to the standards therein stipulated. Sint Maarten is also committed to the Agenda 2030 and to achieving the 17 SDGs⁶, acting in line with the principle of “leaving no one behind”.

(4) Point **1.3 Public Policy Analysis of the partner country/region** is replaced by the following:

‘The general policy aims and objectives of the Government of Sint Maarten are outlined in several strategic documents. The most important documents with regard to the 11th EDF programme are:

- National Development Plan 2020-2030 (ongoing);
- The Baseline Study of the Government of Sint Maarten 2017;
- Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI) Plan 2015-2018;
- Sewage plan for the period 2007-2016;
- National Waste Water Ordinance;
- Plan of Action for the "*Project Integration and Strengthening of the Tax Department St. Maarten*" (May 2014).

The NDP covers the period 2020-2030 and sets the direction for the strategic long-term development of Sint Maarten. The country's development priorities have been identified in four directions: economy, environment, culture, and human development. This action is aligned with Sint Maarten's NDP 2020-2030 and in particular with the following priorities: (i) improvement of wastewater infrastructure and management; (ii) access to sanitation services in under-served areas; (iii) promotion of higher environmental quality standards; (iv) improvement of the marine

² [Decision \(EU\) No 591/2022 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030 \(OJ L 114, 12.4.2022, p. 22-36\)](#)

³ [Communication “EU Biodiversity Strategy for 2030 – Bringing nature back into our lives” COM\(2020\) 380 final](#)

water quality and the protection of marine biodiversity; (v) improvement of the environmental conditions as an essential prerequisite for promoting high-level tourism.

The Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI) is, among others, responsible for infrastructural development, environmental protection and the management of natural resources. The VROMI Ministry Plan 2019-2022 outlined the organization, objectives, policies and strategies of the Ministry including the management of process and resources. Related to the 11th EDF programme, this plan envisaged the preparation of the following studies:

- Expansion of primary physical infrastructure network (roads, utilities, sewerage, drainage);
- Expansion of sewage collection and treatment network;
- Develop drainage master plan and policy (flood prone areas/water management);
- Implement sewage collection and treatment fee.

Finally, the Summary Sheet and EU Response Strategy prepared by Sint Maarten for its 11th EDF territorial allocation identify “water and sanitation” as a sector of intervention.’

(5) Point **1.4 Stakeholder analysis** is replaced by the following:

‘The main stakeholder is the Government of Sint Maarten (duty bearer), in particular the Ministry of General Affairs (BAK) and the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI), the latter being responsible for water, sewage and drainage management. As stated in the Ministerial Plan, VROMI is, among others, responsible:

- to prepare sector policy on sewage and water management;
- to realise long term and sustainable solutions for challenges in the areas of management of sewage and drainage;
- to care for the management and exploitation of the waters of Sint Maarten;
- to support the preparation of a thorough framework for drainage and water management and for sewage management⁷, and the establishment of a basis for planning, execution and management of activities in these areas for the coming 10 years, including the articulation of plans for the drainage and for sewage collection and transport for specific areas;
- to ensure optimal management of sewerage networks and wastewater treatment facilities;
- to care for environmental management.

⁷ To be noted that VROMI has outsourced the management (Maintenance & Management) of the AT Illidge Road WWTP to Winward Roads B.V., the company in charge of the plant expansion project, finalized in 2013. Winward Roads is a branch company of Janssen de Jong Caribbean (active on all islands of the former Netherlands Antilles since the 1950s), which is in turn a division of the Janssen de Jong Group, a Dutch-based company operating in the Netherlands and other countries. Information on the expansion of the AT Illidge Road WWTP can be found at: <https://windwardroads.com/expansion-sewage-plant-a-t-illidge-road/>

Other stakeholders are:

- NV GEBE, a state-owned utility company responsible for both water distribution and electricity production and supply⁸;
- TELEM (the telephone/cable/internet provider)⁹;
- The community of the Dutch Quarter, living in one of the most socially challenging areas of Sint Maarten, which renders it additionally vulnerable to natural disasters and adverse climate events due to limited or inexistent basic public service infrastructure (including sewerage);
- Saint-Martin, in particular for the cross-border cooperation (component 2), and the population of the island at large.

The final beneficiaries of this action are residents and businesses of the Dutch Quarter district for component 1, and the Governments and people of Sint Maarten and Saint-Martin for component 2.

Main target groups are: the inhabitants of the Dutch Quarter; the Ministry of General Affairs (BAK); the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI); the Ministry for Public Health, Social Development and Labour; the Dutch Quarter Community Council.

The recently completed 10th EDF project constituted a response to the requests of the Dutch Quarter community to improve sewerage, drainage and water supply in the district. This 11th EDF action thus builds upon the contacts with and positive feedback of residents and business-owners who welcome the improvements associated with expanding sewerage infrastructure to additional areas of the Dutch Quarter. Upgrading the area remains a politically important and visible project for Sint Maarten. It is in synergy with its National Development Plan 2020-2030, the 2030 Agenda SDGs, and the principle of “*leaving no one behind*”. The Government of Sint Maarten is, among others, currently considering actions to strengthen the district’s database and sustain engagement with the community regarding the progress of the project.’

(6) Point **5.2 Indicative implementation period** is replaced by the following:

‘The indicative operational implementation period of this action, during which the activities described in section 4.1 will be carried out and the corresponding contracts and agreements implemented, is 96 months from the date of entry into force of the financing agreement.

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

⁸ NV GEBE is considered a stakeholder for additional urban works with climate change adaptation improvements in mind (placing high-voltage electricity cables underground), considered with remaining budget (if any) and/or through a contribution of Sint Maarten.

⁹ Ibid.

(7) Point **5.4.2 Indirect management with the partner country** is replaced by the following:

‘5.4.2 Indirect management with pillared assessed entity - UNOPS

Action’s Component 1:

SO1: To further upgrade the sewerage infrastructure of the Dutch Quarter district. The completion of the sewerage and drainage network in section 2 of the Dutch Quarter (*and, budget permitting, any additional necessary area of the district*) will contribute to enhanced community access to safe sanitation, in particular for residents living in the most vulnerable situations.

Component 1 may be implemented in indirect management with the pillared assessed entity – UNOPS according to the following modalities:

The UNOPS will act as the contracting authority for the procurement and grant procedures.

Payments are executed by the Commission.

UNOPS shall apply its own rules on procurement and grants. These rules will be laid down in the contribution agreement to be concluded with the UNOPS.’

(8) Point **5.6 Indicative budget** is replaced by the following:

‘The total cost is estimated at EUR 7,000,000¹⁰ to be financed by the EDF. The indicative budget sets out as follows:

	EU contribution (amount in EUR)
<i>Objective/Outputs SO1/ O1 Indirect management with UNOPS - cf. section 5.4.2</i>	5,600,000
<i>Objective/Outputs SO2/ O2 Direct management - cf. section 5.4.1</i>	880,000
Evaluation, (cf. section 5.9), Audit (cf. section 5.10) / Expenditure verification	60,000
Communication and visibility (cf. section 5.11)	20,000
Contingencies	440,000
<i>Total</i>	<i>7,000,000</i>

¹⁰ EU contribution for further upgrading of sewerage, drainage, and network system in the Dutch Quarter district (Component 1) is EUR 5.6 million, out of which sewer pipe-laying and underground household connection installing are the main outputs. Surface drainage will be combined with road improvement after the sewer pipe-laying is done (the cost normally doesn’t exceed 10-15% of the road works). Detailed budget breakdown will be provided in the TAPs.

(9) Point **5.7 Organisational set-up and responsibilities** is replaced by the following:

‘The overall responsibility for the execution of the 11th EDF project is with the Prime Minister of Sint Maarten (who is also the Territorial Authorising Officer for all EDF funding).

The following implementation arrangements shall apply:

Component 1/ SO1:

The Government of Sint Maarten will take over the ownership of the sewerage, drainage, road and public lighting infrastructure to be implemented by means of the 11th EDF funds.

The responsibility for the implementation of all works to be carried out under the 11th EDF project will be with UNOPS. The Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI) will closely collaborate with UNOPS.

The main tasks of the ministry consist of care for the infrastructure and public area once it is constructed after the project, through preparation of appropriate policy framework, the enforcement and supervision thereof.

The responsibility for management, operation and maintenance of all public infrastructure measures provided by the 11th EDF project rests with the "Infrastructure Management Department" of VROMI, which is in general responsible for the organization and proactive management of all public infrastructure in order to safeguard the quality of the living environment for the public of Sint Maarten.

Steering Committee

A steering committee shall be set up to oversee and validate the overall direction and policy of the project (or other responsibilities to be specified). The project steering committee shall meet twice a year.

The project steering committee shall be made up of:

- a) A representative of the beneficiary country/Territorial Authorising Officer, the contracting authority;
- b) A representative of UNOPS
- c) A representative of the European Union Delegation for Sint Maarten in Guyana, with observer status.

Component 2/ SO2:

Under component 2, technical assistance was recruited to assist Sint Maarten, and more specifically the Ministry of General Affairs (BAK) in strengthening institutional cross-border cooperation and effective joint project identification with Saint-Martin, in particular the joint wastewater treatment plant programme in Cole Bay.

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.'