

External Evaluation of the Common Implementing Regulation

Short Summary

The evaluation of the Common Implementing Regulation (CIR)¹ has been part of a process of parallel evaluations of External Financing Instruments (EFIs)² under the current Multiannual Financial Framework (MFF) 2014 – 2020 and the 11th European Development Fund (EDF). The evaluations will feed into the Mid-term review report (MTR) required in the CIR regulation under Article 17. The evaluation of the CIR has assessed whether the CIR was and remains fit for the purposes for which it was designed: harmonisation and simplification of implementation, the need for additional flexibility, enhanced coherence and consistency and an increased likelihood of the efficient use of available resources to optimise the impact of the EU's external action. On the basis of evidence collected by evaluation teams of the other EFIs, the CIR evaluation has arrived at the following findings and conclusions.

Harmonisation: Harmonisation has, to a large extent, been achieved for comitology procedures, general financing provisions (notably general and sector budget support), common rules on nationality and origin (untying of aid), eligibility criteria and monitoring and evaluation. However, given the diversity of EFIs, the level of ambition on harmonisation remained at a modest level. Commonality of rules was sought after, but the CIR was challenged by the fact that one size does not fit all.

Simplification: The CIR did not result in much simplification of rules. In the first place, general and specific implementing rules both inside and outside the CIR create a complex legal architecture. Secondly, The CIR did not make comitology rules less restrictive, as it allowed only for limited exceptions from examination procedures by Committees. Thirdly, rules on nationality and origin and eligibility criteria, though useful and aiming at flexibilisation especially for Civil Society Organisations (CSOs) and Local Authorities (LAs), remain complex and difficult to explain to external stakeholders. Lastly, more stringent requirements for monitoring and evaluation and for the Annual Report on EFIs enhance accountability, but also pose challenges for compatibility between multiple indicators in different EFI contexts.

Impact: The CIR does not make a sufficiently convincing contribution allowing EFIs to meet the aspiration expressed in the preamble of the Regulation that the Union should seek the most efficient use of available resources to optimise the impact of external action. The lengthy procedures required for action programmes, individual measures and special measures hamper the EU's overall capacity to respond in a timely and adequate manner to evolving needs of stakeholders and changing partner country contexts. There is also no evidence that provisions in the CIR influenced or modified extensive interfaces with CSOs and LAs and their access to EU funding, which is experienced as cumbersome by many of them.

Coherence: Commonality in implementing rules could raise the expectation that there is a beneficial effect for coherence as well as complementarity and synergies between EFIs. However, the CIR does not contain any provision to overcome the fact that different EFIs operate in different compartments with distinct action programmes, individual and special measures. For example, the absence of provisions in the CIR for the systematic use of joint examination procedures or - at a minimum - joint calls for proposals between at least two EFIs operating in the same country or region or on related themes could be a missed opportunity.

Recommendation: The EU may wish to consider at the design stage of the next generation of EFIs to maintain the approach of a common transversal Regulation for formulation, implementation, monitoring and evaluation of EFIs. The next CIR could take advantage of its transversal nature by systematically requiring examination procedures for joint action programmes, individual and special measures that involve financial assistance from more than one EFI. This would create a structural approach to enhancing complementarity and synergies between EFIs.

¹ Regulation (EU) No. 236/2014 of the European Parliament and the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

² Development Cooperation Instrument (DCI); European Instrument for Democracy and Human Rights (EIDHR); European Neighbourhood Instrument (ENI); Instrument contributing to Stability and Peace (IcSP); Instrument for Pre-accession Assistance (IPA II); Partnership Instrument for cooperation with third countries (PI); Instrument for Nuclear Safety Cooperation (INSC) and the Greenland Decision (GD).