



External Evaluation of the Common Implementing Regulation (2014 – mid 2017)

Final Report - Annexes May 2017

Evaluation carried out on behalf of the European Commission

Lead company

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External Evaluation of the Common Implementing Regulation

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External Evaluation of the Common Implementing Regulation

Final Report

The report consists of:

Short summary

Volume I: Main report

Volume II: Annexes

SHORT SUMMARY

VOLUME I – MAIN REPORT

Executive summary (one page and four pages)

- 1. Introduction**
- 2. Methodology**
- 3. Responses to the evaluation questions (findings)**
- 4. Conclusions**
- 5. Recommendation**

VOLUME II - ANNEXES

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1 Annex 1: Evaluation matrix

1.1 EQ 1 on relevance

To what extent was the CIR relevant at time of adoption and to what extent does it continue to be relevant?

1.1 Origin and scope of the CIR	
Main findings <ul style="list-style-type: none"> As EFIs require implementing rules, the adoption of the CIR responds to a need and can therefore be considered generally relevant. Consistency of the CIR with the Financial Regulations and the Comitology Regulation are an important feature that makes the CIR relevant. Strength of the evidence base: <i>Strong</i>	Main sources of information: <ul style="list-style-type: none"> Interviews with DEVCO / R3, NEAR/A4 and FPI/1. Review of the CIR and other EFI Regulations. Review of CIR and 2012 Financial Regulations and 2011 Comitology Regulation
1.2 Relationship of EDF with CIR	
Main findings <ul style="list-style-type: none"> Guidelines on the transition to the MFF 2014-2020 under the EU Budget and the EDF Bridging Facility explain how the EDF needs to follow rules that are analogous to the CIR. Strength of the evidence base: <i>Strong</i>	Main sources of information: <ul style="list-style-type: none"> Guidelines on the transition to the MFF 2014-2020 under the EU Budget and the EDF Bridging Facility.
1.3 CIR and 2007-2013 Regulations	
Main findings <ul style="list-style-type: none"> The perception that implementing rules in 2007-2013 EFI Regulations were overly diverse and inconsistent is not confirmed. The CIR has resulted in some degree of harmonisation, but not necessarily in much simplification in spite of the provision that the simplest rule should prevail. Strength of the evidence base: <i>Strong</i>	Main sources of information: <ul style="list-style-type: none"> Responses to question 1 of the questionnaire to EFI evaluation teams.
1.4 CIR and 2014-2020 EFI Regulations	
Main findings <ul style="list-style-type: none"> As the CIR contains implementing rules that are applicable to all EFIs, such rules should no longer appear in the individual EFI Regulations. A review confirms that, while in most cases there are no more implementing rules as such in the 2014 -2020 EFI Regulations, but that this is not systematic, as for example the DCI Regulation contains some implementing rules, and the IPA-II and the ENI have full-fledged Implementing Regulations on Cross-Border Communications The adoption of a transversal Regulation, while ensuring commonality of implementing rules, did not prevent a certain diversity and inconsistency how policy concerns were reflected in different EFI Regulations. The relevance of the CIR lies in its core business, 	Main sources of information: <ul style="list-style-type: none"> Review of CIR and all 2014-2020 EFI Regulations.

the definition of common rules for implementation. Strength of the evidence base: <i>Strong</i>	
1.5 CIR and 2015 Budget Focused on Results	
Main findings <ul style="list-style-type: none"> The documents related to the 2015 Budget Focused on Results Initiative, containing an extensive review of multiple provisions of the 2012 Financial Regulations and related documents do not modify any provision under the CIR. There is no evidence that the CIR is at present less relevant than at its adoption in 2014. Strength of the evidence base: <i>Medium</i>	Main sources of information: <ul style="list-style-type: none"> Review of CIR and 2015 Budget Focused on Results

1.1.1 Origin and scope of the CIR

Evidence Summary

Implementing rules are needed: To the extent that EFIs require common rules for financing, implementation, monitoring and evaluation, the adoption of the CIR responded to a need and it can therefore be considered to be generally relevant. The CIR seeks to ensure the most efficient use of available resources in order to optimise the impact of EU external action. This laudable intention adds to the relevance of the CIR. There is no indication that, at this level, the CIR is less relevant at present than it was in 2014.

Harmonisation and simplification: The CIR succeeded in unifying notably basic financing and comitology rules, provisions on nationality and origin (untying of aid), eligibility criteria and requirements for monitoring and evaluation. However, the relevant aim of simplification of rules has been met to a lesser extent, as the implementation system of the EFIs remains relatively complex. For example, there has been a need for specific financing and eligibility rules for certain EFIs in the CIR, for additional provisions in the EFI Regulations (e.g. the DCI), as well as for a special relationship with the EDF.

Substantive topics in the CIR: The substantive topics in the CIR were included on a selective basis without a clear rationale, why some were considered and others not. For example, it is not clear, why human rights are dealt with, while gender equality is hardly mentioned. There are also no references to major themes such as migration, security or trade, which could equally have been included in the implementing rules. The CIR would have been even more relevant, if the way in which policy concerns were dealt with had been less arbitrary.

Origin

The Commission proposed to create a transversal Regulation that would cover all “implementation provisions”. Implementing rules would consequently not be included in 2014-2020 EFIs Regulations.

The original intention was that the CIR would mainly focus on procedural aspects, e.g. a unified adoption of action programmes and individual and special measures (comitology); common general financing provisions and rules for taxes, duties and charges; common rules on nationality and origin (untying of aid); common rules for monitoring and evaluation. To ensure flexibility, specific financing provisions and eligibility rules were included for certain EFIs. The assumption was that a common transversal Implementing Regulation would have the ability (fitness for purpose) to harmonize and simplify rules for financing, implementation and evaluation, while allowing for a sufficient degree of flexibility to meet the specific needs of individual EFIs. The expectation was that common implementing rules would contribute to enhanced coherence, complementarity and synergies between EFIs.

During the legislative process in the Council and in Parliament, the draft Resolution was not only amended on “implementation rules”, but also “enriched” with substantive considerations and requirements, e.g. attention for democracy, the rule of law, human rights and fundamental freedoms (Art. 2(5)), environmental screening including for climate change and biodiversity impacts (Art. 2(6); accessibility for persons with disabilities (Art. 2(7) and tracking of climate action and biodiversity expenditure (Art. 14). The inclusion of these elements in the CIR was irrespective of the fact that similar provisions were also made in the individual EFI Regulations. The rationale was that “implementing” rules should not be dissociated from substantive considerations.

Source: Interview conducted with DEVCO R3

General overview

The CIR¹ was established in March 2014, at the start of the 2014-2020 MFF, with retroactive effect to 1 January 2014. It lays down rules and conditions for the provision of financial assistance to actions for the following EFIs²: a) the Development Co-operation Instrument (DCI); b) the European Instrument for Democracy and Human Rights (EIDHR); c) the European Neighbourhood Instrument (ENI); d) the Instrument contributing to Stability and Peace (IcSP); e) the Instrument for Pre-Accession Assistance (IPA-II); f) Partnership Instrument for co-operation with third countries (PI).

The following instruments are not mentioned in Art. 1 of the CIR Regulation (subject matter and principles), but contain references to the CIR: a) the Instrument for Nuclear Safety and Co-operation (INSC)³ and b) the Greenland Decision (GD)⁴. The extra-budgetary 11th European Development Fund (EDF) and related dispositions are also not covered by the CIR, but require a Performance Review, which covers the same ground as the CIR, in accordance with the Council Regulation on the implementation of the 11th European Development Fund⁵. According to the ToR, all nine instruments will be covered by the CIR evaluation, and the MTR Report, albeit with due consideration of their specific relationship with the CIR.

Each of the above-mentioned eight instruments financed under the EU budget as well as the EDF Instrument have their own Regulations or Decision that provide the legal basis for expenditures of the budgets in the defined areas. Respective documents for the 2007-2013 funding period included detailed provisions related to “Implementation”, e.g. in the DCI Regulation, on annual action plans, eligibility, types of financing, support measures, co-financing, management procedures, public procurement procedures and evaluation. These provisions were, however, not harmonized across all EFIs.

The CIR lays down common rules and procedures for the above-mentioned instruments stating that they need to be consistent with the Regulations on the financial rules applicable to the general budget of the Union (commonly referred to as Financial Regulations)⁶ and with the procedures provided for in Regulation laying down the rules and general principle

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 Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development co-operation for the period 2014-2020 REG 233/2014; Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide. Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument. Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace. Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II), Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for co-operation with third countries.

³ Regulation (EU) No 237/2014 of the Council of 13 December 2013, OJ L77, Art. 9 Implementation

⁴ Council Decision 2014/137/EU of 14 March 2014 on relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other, OJ L76, p 1, Articles 5 and 9

⁵ Regulation (EU) 2015/322 of the European Council of 2 March 2015.

⁶ Regulation (EU, Euratom) No. 966/2012 of 25 October 2012 and Commission Delegated Regulation (EU) No. 1268/2012 of 29 October 2012 on the rules of application of Regulation no. 966/2012.

concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (commonly referred to as comitology)⁷. Harmonisation should be on the basis of the simplest rule (CIR, Art. 1.4).

At the same time, the CIR reintroduces a differentiation for several EFIs, e.g. specific financing provisions for DCI, ENI, IPA, IcSP and EIDHR (Art. 6) and specific eligibility rules for DCI, ENI and PI (Art. 9), IPA-II (Art. 10) as well as EIDHR and IcSP (Art. 11).

The 2014-2020 EFI Regulations should in principle not contain any implementing rules and only refer to the CIR. This principle is, however, not applied in a straight-forward manner:

- For example, the DCI Regulation contains provisions on the use of innovative financial instruments (blending) that go beyond what is required by the CIR⁸.
- IPA-II even has a full-fledged Implementing Regulation⁹ introducing specific rules establishing uniform conditions in particular as regards management and control systems under indirect management by the IPA II beneficiaries; financial management; monitoring, evaluation and reporting; transparency and visibility; cross-border cooperation and agriculture and rural development; communication and visibility (e.g. Art. 24, 25 and 42).
- The ENI also has an implementing Regulation¹⁰ containing provisions for the implementation of cross-border cooperation programmes that complements the CIR.

The CIR was followed by a Note to the attention of DEVCO Directors containing Guidelines on the transition to the MFF 2014-2020 under the EU Budget and the EDF Bridging Facility¹¹.

Source: General review of CIR and EFI Regulations

CIR and 2012 Financial Regulations and 2011 Comitology Regulation

Review of CIR for references to

- (Financial) Regulation (EU, EURATOM) no. 966/2012 of the European Parliament and Council of 25 October 2012;
- Commission Delegated Regulation (EU) No. 1268/2012 of 29 October 2012 on the rules of application of Regulation no. 966/2012
- Regulation (EU) No. 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rule and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

The CIR mentions in the Preamble that the common rules and procedures should be consistent with financial rules applicable to the general budget of the Union laid down in what is commonly referred to as the Financial Regulations of 2012¹². Financing decisions should take the form of a) annual or multiannual action programmes; b) individual measures; and c) support measures¹³.

Reference is also made to procedures laid down in Regulation (EU) No. 182/2011 of the European Parliament and of the Council of 16 February 2011, commonly referred to as Comitology Rules. The Preamble of the CIR (Paragraph 6) and Art. 2 introduce some

⁷ Regulation (EU) No. 182/2011 of 16 February 2011

⁸ DFI Regulation Art. 3, 8d vs. CIR Art. 1 e

⁹ COMMISSION IMPLEMENTING REGULATION (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II)

¹⁰ COMMISSION IMPLEMENTING REGULATION (EU) No 897/2014 of 18 August 2014 laying down specific provisions for the implementation of cross-border cooperation programmes financed under Regulation (EU) No 232/2014 of the European Parliament and the Council establishing a European Neighbourhood Instrument

¹¹ DEVCO/R3 devco.r3(2014)s 870340

¹² Regulation (EU, EURATOM) No. 966/2012 of the European Parliament and Council of 25 October 2012. Preamble and Commission Delegated Regulation (EU) No. 1268/2012 of 29 October 2012 on the rules of application of Regulation no. 966/2012. Both Regulations are commonly referred to as Financial Regulations.

¹³ Regulation (EU, EURATOM) No. 966/2012 of the European Parliament and Council of 25 October 2012. Preamble (3).

modifications to these rules, notably new thresholds for exemption from the obligation to follow the procedure of approval by Committees.

1.1.2 Relationship of EDF and CIR

Evidence Summary

The EDF is one of the EU's EFIs, but unlike several other EFIs, it has a different set of implementation rules.¹⁴ While the EU has made important efforts to harmonise the implementation regulations of the EDF with those of the other EFIs, some differences remain because of the particularities of the legal basis of the EDF, i.e. the Cotonou Agreement and the Overseas Association Decision.¹⁵ The CIR has been a good opportunity to seek greatest possible harmonisation between implementing rules of the EDF and other EFIs.

The 11th EDF was created by an intergovernmental agreement signed in June 2013 – as it is not part of the EU Budget – and entered into force on the 1st March 2015, after ratification by all Member States. There are only minor modifications in the 11th EDF compared to the 10th EDF. Member States' contributions to the EDF are governed by provisions that are further aligned to rules of the EU Budget and the CIR.

In order to ensure continuity of funding for co-operation with ACPs and OCTs, a 'Bridging Facility' was set-up to cover the period between the end of the 10th EDF (December 2013) and the start of the 11th EDF (March 2015). This Bridging Facility ceased to exist when the 11th EDF entered into force.¹⁶

Relationship of the EDF with the CIR

The European Development Fund is one of the EU's EFIs, but unlike several other EFIs, it has a different set of implementation rules.¹⁷ While the EU has made important efforts to harmonise the implementation regulations of the EDF with those of the other EFIs, some differences remain because of the particularities of the legal basis of the EDF: the Cotonou Agreement and the Overseas Association Decision.¹⁸

Source: EDF evaluation response to CIR questionnaire (Revised ToR Attachment 1)

Specificities of the EDF include:

- The EDF covers cooperation with countries of Africa, the Caribbean and the Pacific (ACP) as well as Overseas Countries and Territories (OCT).

¹⁴ COUNCIL REGULATION (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund; COUNCIL REGULATION (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund; and 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.

¹⁵ COTONOU AGREEMENT: Partnership Agreement Between the Members of the African, Caribbean and Pacific Group of States of the one Part, and the European Community and its Member States of the other Part; and COUNCIL DECISION 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('Overseas Association Decision')

¹⁶ The CIR was followed by Note DEVCO/R3 devco.r3(2014)s 870340 to the attention of DG DEVCO Directors containing Guidelines on the transition to the MFF 2014-2020 under the EU Budget and the EDF Bridging Facility.

¹⁷ COUNCIL REGULATION (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund; COUNCIL REGULATION (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund; and 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.

¹⁸ COTONOU AGREEMENT: Partnership Agreement Between the Members of the African, Caribbean and Pacific Group of States of the one Part, and the European Community and its Member States of the other Part; and COUNCIL DECISION 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('Overseas Association Decision').

- The EDF is funded from outside the EU budget, i.e. by separate intergovernmental funds to which all EU Member States contribute. The EDF has a specific legal framework, a specific EDF Committee and a separate treasury. The European Parliament is not involved in the legislative process.
- The EDF has multi-annual action programmes. Specific financial and implementation rules apply¹⁹ (see also Annex 4 of Cotonou Agreement).
- The adoption of a CIR was a new opportunity to seek to streamline the separate EDF rules. That explains why ACP-EU parties reviewed the Annex IV of the Cotonou Agreement shortly after adoption CIR.
- In practice, while there is now huge level of harmonisation, some specific rules have been kept for the EDF.
- As the Cotonou Agreement needs to be revised (it expires in 2020), the question of budgetising the EDF is once again on the table. There is some resistance to this, as the EDF would have to compete with other causes in the face of a shrinking budget.

Source: Interview with external resource person.

Extract from Note containing Guidelines on the transition to the MFF 2014-2020 under the EU Budget and the EDF Bridging Facility:

Bridging Facility

While remaining funds under the 10th EDF can no longer be committed beyond 31 December 2013, the 11th EDF Internal Agreement has not entered into force yet. To fill this gap, the Council established the Bridging Facility which entered into force on the 1 January 2014.

The Bridging Facility enables committing remaining funds from the 10th and previous EDFs while specifying that those committed funds are not an additional allocation to the 11th EDF but will be accounted for as a part of it.

For the time being the implementation of the 10th EDF Financial Regulations apply to the Bridging Facility (see the following section).

Alignment of the implementation of the Bridging Facility with the implementing rules of the 11th EDF

The Commission has adopted two proposals to amend the Council Regulations concerning (i) the 10th EDF Implementation Regulation (COM(2013)881) and (ii) the 10th Financial Regulation (COM(2014)9) in order to align the policy-making and financial implementation of the Bridging Facility with those of the 11th EDF.

These amended regulations, which are expected to enter into force during the second quarter of 2014, shall also apply to the residual implementation of the 10th EDF (legal commitments to be concluded under the n+1 and d+3 rules).

Rules on nationality and origin applicable to the 11th EDF, the Bridging Facility and the residual implementation of the 10th EDF

The rules on nationality and origin for African, Caribbean and Pacific States (ACP) are based on the Annex IV to the Cotonou Agreement. The Commission has proposed to amend these rules in order to align them with the new rules applicable under the Budget (i.e. the CIR). The new rules of Annex IV, which are expected to enter into force during the second quarter of 2014, will immediately apply to the implementation of financial commitments taken under the 11th EDF, the Bridging Facility and the residual implementation of the 10th EDF. As a result, there will be one single set of rules on nationality and origin applicable to calls for proposals and calls for tenders under both the Budget and the EDF.

However, the rules on nationality and origin applicable to the assistance to Overseas Countries and Territories (OCTs) will follow the approach defined in the CIR, as laid down in

¹⁹ Implementation Regulation 566/2014 of 26 May 2014 adopted by the European Council and Financial Regulation 567/2014 of 26 May 2014 adopted by the European Council.

the OAD decision²⁰. The rules on nationality and origin laid down in the OAD decision will therefore apply to the implementation of financial commitments taken before 2014, unless the financing decision or the financing agreement expressly sets out other specific rules.

Source: Guidelines on the transition to the MFF 2014-2020 under the EU Budget and the EDF Bridging Facility, pp 4-5²¹.

1.1.3 CIR and 2007-2013 Regulations

Evidence Summary

Each of the above-mentioned eight instruments financed under the EU budget as well as the EDF had their own Regulations or Decision that included detailed provisions related to implementation, e.g. in the DCI Regulation, on annual action plans, eligibility, types of financing, support measures, co-financing, management procedures, public procurement procedures and evaluation. These provisions were, however, not harmonised across all EFIs.

Implementing rules contained in 2007 – 2013 EFI Regulations reflected financial and other Regulations governing the EU Budget and the EDF at the time of their adoption. The CIR updated implementing rules in the light of financing and comitology rules prevailing in 2014. The primary aims were to achieve harmonisation of implementing rules for all EFIs and application of the principle that the simplest rule should prevail.

The CIR provides a legal underpinning for implementation of EFIs, which is in some cases additional and incremental to what is already laid down elsewhere, e.g. requirements on nationality and origin (untying of aid) and provisions on visibility, and in some cases introduces innovations, e.g. more extensive use of country systems and enhanced stakeholder involvement; more use of local contractors; use of innovative instruments (e.g. blending); and more emphasis on monitoring and evaluation.

DCI

CIR introduces some changes in nationality and rules of origin as a contribution to untying aid. It further encourages the participation of local contractors as a top priority. CIR also includes a new article regarding involvement of stakeholders of beneficiary countries.

CIR introduces a new clause with regard to climate action requiring that a certain amount of the budget (now 20 %) is spent for this purpose. A similar requirement applies to spending on biodiversity.

CIR explicitly links GBS and SBS to progress made in democracy, rule of law and respect for human rights principles. DCI includes an article related to the mainstreaming of cross-cutting issues human rights, gender equality, democracy, good governance, environmental sustainability and rule of law among others, that is not in the CIR.

CIR only includes gender issues under the monitoring and evaluation of actions. There is no reference to the Gender Action Plan. The DCI Regulation (2007-2013) incorporates gender as a main objective of the instrument, notably in the areas of education and social inclusion and employment.

CIR takes into account criteria regarding accessibility for persons with disabilities in the design and implementation of programmes that are not covered under DCI that only refers to disabled persons in the provision of health services. CIR adds new or modifies existing financial instruments, e.g. equity or quasi-equity, investments or participations and risk-sharing instruments. Provisions concerning joint and parallel co-financing basically remained the same. There is no explicit mention of division of labour or joint programming in the CIR. CIR contains a new article about visibility not contemplated in the DCI Regulation.

Source: Response to CIR questionnaire question 1 (Revised ToR Attachment 1)

²⁰ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('Overseas Association Decision') (OJ L344, 19.12.2013).

²¹ DEVCO/R3 devco.r3(2014)s 870340

EIDHR

With the introduction of the Common Implementing Regulation (CIR), the following implementation matters that were present in the 2007-13 European Instrument for Democracy and Human Rights (EIDHR) have been ‘moved’ to the CIR:

- Multi-annual action plans. The CIR allows for multi-annual action plans²², which was not possible under the 2007-13 Regulation. DEVCO have used this provision to develop the multi-annual action plan (MAAP) for 2016-17.
- Special measures: Included in Article 7 of the 2007-13 EIDHR, special measures are now covered by Article 2 of the CIR. Although the requirement for these remains essentially the same (unforeseen and duly justified need or circumstances), the CIR amends the rules related to adoption by allowing for special measures not exceeding EUR 10M to be adopted without following the examination procedure in Art 16 (3) - which similarly to Art 17 (2) of the 2007 Regulation required the measure to be submitted to the Committee of representatives of member states established by the Commission where it exceeded EUR 3 m.

2007-13 EIDHR (Art 7)	CIR (Art 2)
<ul style="list-style-type: none"> • 1. Notwithstanding Article 5, in the event of unforeseen and duly justified needs or exceptional circumstances, the Commission may adopt Special Measures not covered in the Strategy Papers. • 2. Special Measures shall specify the objectives pursued, the areas of activity, the expected results, the management procedures and the total amount of financing. They shall contain a description of the operations to be financed, an indication of the amounts allocated for each operation and the indicative timetable for their implementation. They shall include a definition of the type of performance indicators that will have to be monitored when implementing the special measures. • 3. Where the cost of such measures is equal to or exceeds EUR 3 000 000, the Commission shall adopt them in accordance with the procedure laid down in Article 17(2). • 4. For Special Measures costing below EUR 3 000 000, the Commission shall send the measures to the European Parliament and the Member States for information within 10 working days of adopting its decision. 	<ul style="list-style-type: none"> • 1. In the event of unforeseen and duly justified needs or circumstances, and when funding is not possible from more appropriate sources, the Commission may adopt special measures not provided for in the indicative programming documents, including measures to ease the transition from emergency aid to long-term development operations or measures to better prepare people to deal with recurring crises. • 2. Action programmes, individual measures and special measures provided for in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 16(3). • 3. The procedure referred to in paragraph 2 shall not be required for • (b) special measures for which the Union's financial assistance does not exceed EUR 10 million.

- Ad hoc Measures – *small grants to human rights defenders*: In terms of the Ad Hoc Measures in Art 9 (1) of the 2007 Regulation, the Commission could allocate small grants on an ad hoc basis to human rights defenders (HRDs) responding to urgent protection needs. There are no rules relating to ‘ad hoc measures’ in the CIR, but

²² Art 2 (1) read with Art 6 (3) of the CIR.

Article 6 (c) (i) of the CIR allows for low value grants to HRDs *without the need for co-funding*, while Article 11 (2) (e) of the CIR allows support to be provided where the individuals or entities are not registered – see below.

- **Eligibility:** The general rules for eligibility under the EIDHR (Art 10 of the 2007 Regulation) are now dealt with under Art 11 (2) of the CIR. The rules are essentially the same, save for the inclusion of ‘entities without legal personality’ added by Art 11 (2) (e).

2007-13 EIDHR (Art 10)	CIR (Art 11 (2))
<p>Without prejudice to Article 14, the following bodies and actors operating on an independent and accountable basis shall be eligible for funding under this Regulation for the purposes of implementing the assistance measures referred to in Articles 6, 7 and 9:</p> <ul style="list-style-type: none"> ○ a) civil society organisations, including non-governmental non-profit organisations and independent political foundations, community based organisations, and private sector non-profit agencies, institutions and organisations, and networks thereof at local, national, regional and international level; ○ b) public sector non-profit agencies, institutions and organisations and networks at local, national, regional, and international level; ○ c) national, regional and international parliamentary bodies, when this is necessary to achieve the objectives of this instrument and unless the proposed measure can be financed under a related Community external assistance instrument; ○ d) international and regional inter-governmental organisations; ○ e) natural persons when this is necessary to achieve the objectives of this Regulation. <p>Other bodies or actors not listed in paragraph 1 can be financed, exceptionally and in duly justified cases, provided this is necessary to achieve the objectives of this Regulation.</p>	<p>Under the EIDHR, the following bodies and actors shall be eligible for funding in accordance with Article 4(1), (2) and (3) and point (c) of Article 6(1):</p> <ul style="list-style-type: none"> • (a) civil society organisations, including non-governmental non-profit organisations and independent political foundations, community-based organisations and private-sector non-profit agencies, institutions and organisations and networks thereof at local, national, regional and international level; • (b) public-sector non-profit -agencies, institutions and organisations and networks at local, national, regional and international level; • (c) national, regional and international parliamentary bodies, when this is necessary to achieve the objectives of the EIDHR and the proposed measure cannot be financed under another Instrument; • (d) international and regional inter-governmental organisations; • (e) natural persons, entities without legal personality and, in exceptional and duly justified cases, other bodies or actors not identified in this paragraph, when this is necessary to achieve the objectives of the EIDHR.

It is noted that Section 19 of the Preamble to the 2007 EIDHR includes the following phrase: ‘The Community should also be able to respond in a flexible and timely manner to the specific needs of human rights defenders by means of ad hoc measures which are not subject to calls for proposals. Moreover, eligibility of entities which do not have legal personality under the applicable national law is also possible under the conditions of the Financial Regulation’. However, the rules in Art 10 of the 2007 Regulation do not specifically pick this up and Art 11 (2) (e) of the CIR thus broadens and confirms that support can be provided to a far broader range of organisations and individuals under the 2014-2020 EIDHR than was possible under the 2007-13 EIDHR.

- **Rules of participation and rules of origin and nationality:** In terms of Art 14 of the 2007 Regulation, ‘participation in the award of procurement or grant contracts financed under this Regulation shall be open to all natural persons who are nationals of or

legal persons who are established in a developing country, as specified by the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD/DAC), in addition to natural or legal persons eligible by virtue of this Regulation'. This has been changed in the CIR, with the removal of the reference to 'developing country' in Art 8 (1), which now states simply that 'participation in the award of procurement contracts and in grant and other award procedures for actions financed under this Regulation for the benefit of third parties shall be open to all natural persons who are nationals of, and legal persons which are effectively established in, an eligible country as defined for the applicable Instrument under this Title, and to international organisations.²³' This in turn allows for EIDHR grants to be provided in 'developed' countries including Russia and Israel, and to those that have recently 'graduated' in terms of the rules set out in Art 5 of the DCI. Unlike with other EFIs, there are no rules related to nationality when it comes to eligibility in either the 2007 EIDHR or the 2014 EIDHR. Similarly, the CIR excludes nationality from its eligibility provisions related to the EIDHR.

- Sub-granting: Article 4 of the CIR allows for sub-granting by reference to Regulation 966/2012: Art 4 (11) states: 'When working with stakeholders of beneficiary countries, the Commission shall take into account their specificities, including needs and context, when defining the modalities of financing, the type of contribution, the award modalities and the administrative provisions for the management of grants, with a view to reaching and best responding to the widest possible range of such stakeholders. Specific modalities shall be encouraged in accordance with Regulation (EU, Euratom) No 966/2012, such as partnership agreements, authorisations of sub-granting, direct award or eligibility-restricted calls for proposals or lump sums.' Art 137 (1) of Regulation 966/2012 is of particular importance with regard to Art 4 (11) of the CIR and reads as follows: Where implementation of an action or a work programme requires financial support to be given to third parties, the beneficiary may give such financial support provided that the following conditions are met: (a) before awarding the grant, the authorising officer responsible has verified that the beneficiary offers adequate guarantees as regards the recovery of amounts due to the Commission; (b) the conditions for the giving of such support are strictly defined in the grant decision or agreement between the beneficiary and the Commission, in order to avoid the exercise of discretion by the beneficiary; (c) the amounts concerned are small, except where the financial support is the primary aim of the action.
- For profit organisations: The relaxation of the rules in PRAG (maintained by Article 11 (2) (e) of the CIR), allow for grants to be provided in exceptional and duly justified cases to 'other bodies or actors not identified in Article 11 when this is necessary to achieve the objectives of the EIDHR'. This in turn allows for grants to be provided to 'for profit' organisations.
- Strategy papers (?): Somewhat strangely, Art 4 (1) (a) of the 2014-20 EIDHR states that strategy papers and their revision shall be implemented in accordance with the CIR but then states that they shall be dealt with in terms of Art 5 of the EIDHR, while the CIR itself contains no reference to strategy papers. In practice, and as confirmed by a DEVCO senior staff member during a stakeholder interview on 19 October 2016, Parliament has decided that separate strategy papers would not be prepared for the EIDHR. Instead, the Multi-annual Indicative Programme (MIP) is essentially the strategy paper for the EIDHR.

Source: Response to CIR questionnaire question 1 (Revised ToR Attachment 1)

²³ Art 8 of the CIR also specifically mentions that legal persons 'may include civil society organisations, such as non-governmental non-profit organisations and independent political foundations, community-based organisations and private-sector non-profit agencies, institutions and organisations and networks thereof at local, national, regional and international level.'

ENI

CIR rules define which countries are eligible in case of actions jointly co-financed and EUTFs. ENPI, ENI and CIR push for the use of country systems in a similar way, which stands as a key principle for all EFIs. The promotion of local capacity is introduced specifically by the CIR.

While ENI regulation widens the initial scope of ENPI (*“promoting environmental protection, nature conservation and sustainable management of natural resources including fresh water and marine re-sources”*) by introducing climate action, CIR provides more detailed instructions by i) reminding the Directives related to environmental impact assessments, ii) requesting for a strategic environmental assessment for sector programmes, and iii) quantification of expenditures related to climate action and biodiversity in line with Rio markers.

ENI regulation introduces a more articulated approach to EU values and widens its scope to the fight against all discrimination and corruption, as well as to strengthening of institutional capacity at all levels and developing civil society. CIR emphasizes the assessment of the commitment, record and progress of partner countries. They also push for an approach to budget support differentiated according to the contexts, and in particular situations of fragility.

ENI regulation introduces the financial leverage and the use and re-use of funds. The CIR further develops co-financing through EIB in line with its external mandate.

ENI regulation and CIR do not provide further instructions regarding visibility than ENPI regulation.

Source: Response to CIR questionnaire question 1 (Revised ToR Attachment 1)

IPA

N.B. No response to CIR questionnaire question 1 (Revised ToR Attachment 1)

IcSP

The CIR does not bring major changes to the rules inherited from the Instrument for Stability (IfS) and that were largely transposed either to the Regulation of the Instrument contributing to Stability and Peace (IcSP) or to the CIR. The Instrument maintained the flexible and simplified rules through a derogation in the common rules that apply to most EFIs covered by the CIR. Mainly, the CIR allowed for a simplification of the IcSP Regulation, which retained essentially the specificities of the Instrument in a legal text that is now easier to read, although users have pointed out to lack of clarity still on some rules, giving room for different interpretations (see below, section 2 A).

The two main differences brought by the CIR and further reinforced or specified in the IcSP Regulations relate to two main aspects:

- The obligation to involve local stakeholders throughout the actions phases, including in the evaluation phase (arts. 4, 12 and 15 of the CIR. The CIR provides more detailed guidance compared to the previous IfS Regulation, and refers namely to the obligation to consult or involve civil society and local authorities, and provide them with relevant and timely information. The IcSP Regulation further reinforces the legal requirement to consult civil society in the preparation, programming, implementation and monitoring of actions (art. 9 of the IcSP).
- The legal requirement and commitment to mainstreaming of cross-cutting issues, including the Instruments contribution to climate change expenditure commitment. The new IcSP Regulation recognises furthermore the link between security and development and the implications of climate change, environmental and natural resource management issues and migrations, as well as the linkages with gender issues (equality, gender-based violence), making also reference to EU international commitments and related action at EU level. These aspects were not previously present or this explicit in the IfS Regulation. The IcSP Regulations thus includes a new article on the mainstreaming of cross-cutting issues in all IcSP components (art. 2(4)), and a stronger emphasis and attention to human rights in security domains like

counter terrorism, fighting organised crime or cybersecurity, as well as a commitment to develop specific guidance in this regard (art. 10).

In addition, the CIR includes new funding modalities (e.g. trust funds set up by the Commission, amongst others), and a much stronger focus on communication and visibility of EU financial assistance as a legal requirement.

IfS and IcSP Regulations compared

The IcSP Regulation maintains essentially the key features of the IfS (i.e. the scope of the Instrument and its flexible and rapid procedures under its short-term component), now under a clearer structure around 3 main objectives that correspond to each of the Instrument components, each with a defined financial allocation. The main new feature in the IcSP Regulation that enhances continuity of actions with the possibility to extend the duration of actions: (i) up to 30 months (6 + 6 months no-cost extensions); (ii) or, in the case of protracted crisis or conflict, extend up to 36 months through another (2nd) Exceptional Assistance Measure (EAM) from 6 up to 18 months; (iii) or through an Interim Response Programme (IRP) after the 1st or 2nd EAM, subject to comitology.

The other main change with the IcSP Regulation is the requirement to be more precise on what the actions will be doing, and identify who will be the implementing partner. Key informants have expressed different views as to whether this obligation to provide more precision will hinder or not flexibility of the Instrument.

Source: Response to CIR questionnaire question 1 (Revised ToR Attachment 1)

INSC

INSC Regulation 2014 Art. 8 / 9

N.B. No response to CIR questionnaire question 1 (Revised ToR Attachment 1)

GD

There is no mention in the Commission Regulation (CR) 2007 of rules of nationality and origin or flexibility / speed of delivery more generally. Flexibility is only mentioned in Art 5 of the Council Decision (CD) 2006 "Cooperation [...] shall ensure that resource flows are accorded on a predictable and regular basis and are flexible and tailored to the situation in Greenland". Art 8 of the CD 2006 on Eligibility only stipulates that the Home Rule Government of Greenland shall be eligible for support. The CIR introduced a new element of prioritisation of local and regional contractors. The principle of untying Union aid to the maximum extent introduced by the CIR is also new compared to the previous implementation rules.

Ownership is mentioned in the CD 2006 and in the CR 2007. The CIR puts however a renewed emphasis on this principle and it links directly to budget support. It also puts a renewed emphasis on the "Involvement of stakeholders in the preparation, implementation, monitoring and evaluation of actions".

The CD 2006 mentions "Strategic Environmental Assessments" but there is increased emphasis on climate change and environmental issues in the CIR including the provision that "Appropriate environmental screening, including for climate change and biodiversity impacts, shall be undertaken at project level" Art 2(6).

New strong emphasis on human rights and fundamental freedoms (from no mentions in the CR 2007 to multiple mentions across CIR).

Accessibility for persons with disabilities is a new concept introduced by the CIR.

Gender mainstreaming is not very visible in both CR 2007 and CIR2014.

On promoting effective and efficient implementation methods, the mention of innovative financing instruments such as grants and contributions to trust funds are novelties introduced by the CIR.

On promoting visibility, the concept already existed in the previous implementing rules but it was referred to as "publicity".

Source: Response to CIR questionnaire question 1 (Revised ToR Attachment 1)

EDF

In order to assess the changes in the different CIR evaluation areas, we did a comparison of the 10th EDF and 11th EDF Implementation regulation. Due to the nature of the regulatory framework of the EDF, it was also necessary to compare the EDF Financial Regulation and the amendments introduced in the Cotonou Agreement. The following regulations were examined:

- Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund
- Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund
- Council Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th European Development Fund under the ACP-EC Partnership Agreement
- Council Regulation (EC) No 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10th European Development Fund
- Cotonou Partnership Agreements (see the following section).

The table below provides a summary of the comparative analysis of the wording of different articles in the EDF regulation. The original table was too long to be included here.

Table 1 Summary of the comparison in key areas

Topic	Changes 10th–11th EDF and comments
Rules of origin	No significant change. Rules of origin for the EDF are included in the Cotonou Agreement and were amended in 2014. More countries can now participate. Some rules have been made more flexible. Procurement thresholds are not part of the EDF implementation regulation.
Ownership	No significant change. The structure of the document (implementation regulation) has changed, but there are no significant changes in the implications for programming an implementation.
Consultation with stakeholders in-country, such as civil society and local authorities	Partly covered by the question above. 11 th EDF includes an explicit mandate to consult with civil society and local authorities which is implicit in the 10 th EDF.
Participation of local contractors	In the case of the EDF, this question only makes sense in the context of "rules of origin". This is essentially an indicator on the use of the impact of the changes in the rules of origin.
Climate change and biodiversity	11 th EDF includes a new article on this
Environmental impact assessments (EIAs) and strategic environmental assessments (SEAs)	New wording on this, but real impact requires additional research (e.g. was it required before?).
Human rights and fundamental freedoms	11 th EDF now considers these principles (democracy, rule of ...) as an objective and a principle of development cooperation, as well as a factor guiding allocation. 10 th EDF only considered the latter.
Gender	Gender implicitly included above (human rights, etc.). 11 th EDF also mentions it explicitly in the article on monitoring.
Accessibility/disabilities	Implicitly included in the principles above (human rights, etc.).
Innovative instruments	Wording on this was introduced in 11 th EDF.

<i>Topic</i>	<i>Changes 10th–11th EDF and comments</i>
Coordinated methods of working (i.e. division of labour)	No significant change. 11 th EDF implementation regulation mentions co-financing in the general principles. More detailed provisions included in the 10 th EDF have been moved to article 13 of the financial regulation of the 11 th EDF. Wording remains almost the same.
Visibility	Stronger wording and more detailed information on compliance. Wording has been aligned with the CIR.

The comparative analysis of the EDF implementation rules shows that there are areas where changes are small or which contain some changes in wording which are difficult to evaluate. As a consequence, it would be difficult to argue that progress recorded in the following areas is due to changes in the EDF Implementation regulation:

- Rules of origin. The changes introduced in the 11th EDF are not very significant. Some of the interviewees consider the increase of certain thresholds as a positive step. However, the EDF implementation regulation does not regulate the thresholds.
- Ownership. The Cotonou Agreement makes significant emphasis on this principle and the changes introduced in the 11th EDF do not seem to change its relevance or introduce significant changes.
- Consultation with stakeholders in-country, such as civil society and local authorities. Same as above.
- Coordinated methods of working (division of labour). No major changes other than in the position of the wording. Moreover, the key policy document, the EU Code of Conduct on Division of Labour, dates from 2007. And the country visits highlight that a number of countries had made substantial progress on coordination before the start of the 11th EDF.
- Visibility. Some changes were introduced, but their impact is not clear as they do not contain detailed provisions on what needs to be done. The EU manual on communication and visibility dates from 2010.²⁴

Even in other areas where more important changes have been recorded in the preceding chapter, the wording is generally not detailed or prescriptive enough to result in easily identifiable changes. Moreover, it is important to consider the EU's political and policy context:

- Human rights and fundamental freedoms: the 11th EDF now considers these principles (democracy, rule of law) as an objective and a principle of development cooperation, as well as a factor guiding allocation. The 10th EDF only considered the latter. The implications of such a measure are not clear as no specific provisions are provided. Also, the key policy document in this area, the EU Strategic Framework and Action Plan on Human Rights and Democracy, dates from 2012 and pre-dates the changes in the implementation regulation.²⁵ A second Action Plan on Human Rights and Democracy was adopted for the period 2015-2019.²⁶ Given that the Action Plans contain specific implementation provisions, they are more likely to lead to changes at the project level than the small additions included in the implementation regulation.
- Gender: this is implicitly included among human rights and fundamental freedoms (see above). In the 11th EDF gender is also explicitly mentioned in the article on monitoring. However, as discussed in section, gender has been a policy and political

²⁴ EC (2010) Communication and Visibility Manual for European Union External Actions. European Commission, EuropeAid Cooperation Office, Brussels

²⁵ Council of the European Union, EU Strategic Framework and Action Plan on Human Rights and Democracy, Luxembourg, 25 June 2012

²⁶ Council Conclusions on the Action Plan on Human Rights and Democracy 2015 – 2019. Foreign Affairs Council, 20 July 2015

priority of the EU External Action for a number of years (the first Action Plan covers the period 2010-2015 and a Second Action Plan was approved in 2015).

- Innovative instruments: wording on this subject was introduced in 11th EDF, but bending facilities already existed and were leveraging funds for development under the 10th EDF.

Interestingly, it is in areas such as climate change and environment, and accessibility where less developed policy frameworks can be found.²⁷ At the same time, and despite the changes in the implementation regulation, little progress or little evidence of implementation (rights-based approach) have been found in these areas. Although evidence is not conclusive, this suggest that progress has been mostly achieved in areas where clear policies, guidelines and measures have been issued and implemented (e.g. gender) independently of the changes introduced in the 11th EDF implementation regulation. And this is also supported by a selection of interviews from the country visits where the existence of clear guidelines and technical support was mentioned as having facilitated the mainstreaming of gender.

1.1.4 CIR and 2014-2020 EFI Regulations

Evidence Summary

As the CIR contains implementing rules that are applicable to all EFIs, such rules should no longer appear in the individual EFI Regulations. A review confirms that there are no more implementing rules as such in the EFI Regulations, but similar provisions appear both in the CIR and the EFI Regulations, albeit in the latter case in the form of general principles, e.g. concerning the need to use country systems and involve stakeholders. The EFI Regulations do not contain systematic references to the CIR, which may be due to the fact that the CIR was adopted after the EFI Regulations²⁸

On substantive policy concerns, e.g. democracy and human rights, climate change and biodiversity etc. EFI Regulations are sometimes more detailed and extensive than the CIR. Several EFI Regulations explicitly refer to gender equality as a priority, while the CIR does not (except briefly under monitoring and evaluation). By contrast, the CIR contains a provision concerning accessibility for persons with disabilities, while none of the EFI Regulations do.

The EFI Regulations and the CIR were clearly not designed on the same drawing board. This is mainly due to the fact that each Regulation is conceptualized and negotiated in separate administrative and legislative processes. The resulting compartmentalisation is not conducive to consistency and coherence among the Regulations. On the other hand, no obvious contradictions have been detected.

In conclusion, the adoption of a transversal Regulation, while ensuring commonality of implementing rules, did not prevent a certain diversity and inconsistency how policy concerns were reflected in different EFI Regulations. The relevance of the CIR lies in its core business, the definition of common rules for implementation.

DCI

The DCI includes an opening statement and an article that refer to the application of CIR rules and procedures to the DCI Regulation.

²⁷ E.g. The European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe, COM(2010) 636 final contains a section on external action, but no specific commitments. In the case of climate change, increasing attention is being paid to this issue in policy documents prepared in the lead up or the aftermath of the Sustainable Development Goals such as the Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy; Commission Communication, 22 November 2016 – "Proposal for a new European Consensus on Development: Our World, our Dignity, our Future"; and the Commission Communication, 22 November 2016 – "Next steps for a sustainable European future. However, no specific action plan has been developed to date.

²⁸ See also evidence summary under 1.1.

The CIR introduces some changes in nationality and rules of origin as a contribution to untying aid. Both the CIR and the DCI encourage the use of country systems. In addition, the DCI is straightforward in promoting ownership and mutual accountability as general principles. Both Regulations supports the participation of local contractors and expertise.

Both the CIR and the DCI foster the involvement of stakeholders of beneficiary countries. The DCI promotes an inclusive and participatory approach to development involving society in the development process, chiefly parliaments, CSOs and LAs.

Both Regulations introduce a clause with regard to climate action requiring that a certain amount of the budget (now 20 %) is spent for this purpose. The DCI further increases the budget expenditure to at least 25% in the case of the GPGC thematic programme.

The DCI also covers climate change as a cross-cutting issue and incorporates climate change and the environment as cooperation areas under geographic programmes and under the GPGC and the Pan-African programmes.

The CIR explicitly links GBS and SBS to progress made in democracy, rule of law and respect for human rights principles. The DCI includes democracy, the rule of law and the respect for human rights and fundamental freedoms as main objectives and general principles. It also promotes a rights-based approach and envisages the review and modification of strategy papers and multiannual indicative programmes in the case of crises or threats to these principles.

The CIR only includes gender issues under the monitoring and evaluation of actions. The DCI Regulation incorporates gender as an area of cooperation under geographic programmes and promotes women's empowerment as a cross-cutting issue.

The CIR takes into account criteria regarding accessibility for persons with disabilities in the design and implementation of programmes and the DCI incorporates rights of persons with disabilities as a cross-cutting issue and as an area of cooperation under geographic programmes and the GPGC thematic programme.

The CIR adds new or modifies existing financial instruments, e.g. equity or quasi-equity, investments or participations and risk-sharing instruments. Provisions concerning joint and parallel co-financing basically remained the same. There is no explicit mention of division of labour or joint programming in the CIR.

The DCI refers to art. 4 CIR regarding the use of innovative financial instruments. It strongly encourages coordination, division of labour and joint programming with donors and EUMSs.

The CIR contains a new article about visibility that could be extended to the DCI in line with its opening statement (29) and art. 4.

Source: Comparison between CIR and EFI Regulations 2014-2020 undertaken by Chapeau Team.

EIDHR

The EIDHR refers to the common rules and procedures set by the CIR in the opening statement (28). The CIR includes an article that exclusively refers to the eligibility criteria under the EIDHR. There are no rules related to nationality when it comes to eligibility in the EIDHR. Similarly, the CIR excludes nationality from its eligibility provisions related to the EIDHR.

The CIR encourages the use of country systems. The EIDHR does not include any reference to ownership or country systems. It has to be noted that "unlike all other EFIs, the EIDHR allows support to be provided to CSOs and others without the need for government approval, local authorities are not consulted in the preparation, implementation, monitoring and evaluation of actions, and country systems are not used." (EIDHR questionnaire).

The EIDHR ensures regular consultations with CSOs at all levels. The CIR includes a new article regarding involvement of stakeholders of beneficiary countries. The CIR also envisages the participation of stakeholders in the evaluation of actions.

The CIR encourages the participation of local contractors as a top priority. The EIDHR does not include any reference to local contractors but CIR rules could be applied to the EIDHR in line with the opening statement (28).

The CIR introduces a new clause with regard to climate action requiring that a certain amount of the budget (now 20 %) is spent for this purpose. A similar requirement applies to spending on biodiversity. The EIDHR does not refer to climate change or the environment but CIR provisions could be applied in line with the opening statement (28).

Both the CIR and the EIDHR include democracy, rule of law and respect for human rights and fundamental freedoms as main objectives of their Regulations. These principles are at the core of all actions under the EIDHR. It also introduces a rights-based approach. The CIR explicitly links GBS and SBS to progress made in democracy, rule of law and respect for human rights.

The CIR only includes gender issues under the monitoring and evaluation of actions. The EIDHR refers to gender and women's rights as cross-cutting priorities. It also incorporates gender as an objective of the instrument.

The CIR takes into account criteria regarding accessibility for persons with disabilities in the design and implementation of programmes. The EIDHR also includes persons with disabilities as part of the scope in article 2 (1)(a)(viii) related to equal participation, article 2 (1)(b) (iv) focused on discrimination and article 2 (1)(b)(x) related to children with disabilities, but it is not included as a specific priority in the list of priorities and specific objectives annexed to the Regulation.

The CIR adds new or modifies existing financial instruments, e.g. equity or quasi-equity, investments or participations and risk-sharing instruments. According to the EIDHR questionnaire "The relevant rules in the CIR referred to in the questionnaire articles 4(1)(e), 4(3) do not appear to be of relevance to the EIDHR."

The CIR refers to joint co-financing. The EIDHR envisages regular exchanges with EUMSs, the EEAS and the civil society. According to the EIDHR questionnaire, article 4(9) CIR does not appear to be of relevance to the EIDHR.

The EIDHR also includes a mention of joint programming which it is not referred to in the CIR.

The CIR contains a new article about visibility not contemplated in the EIDHR Regulation but CIR rules could be applied in line with the opening statement (28).

Source: Comparison between CIR and EFI Regulations 2014-2020 undertaken by Chapeau Team.

ENI

The CIR introduces some changes in nationality and rules of origin as a contribution to untangling aid. Art. 9 CIR includes eligibility rules under the ENI.

The CIR encourages the use of country systems. The ENI promotes the principle of ownership taking into account the needs and specificities of partner countries. It also envisages co-financing by partner countries and other participating countries through public funds, contributions from the beneficiaries or other sources.

Both the CIR and the ENI refer to stakeholders/PCs and their specificities when defining financing modalities and administrative provisions. The CIR includes a new article regarding involvement of stakeholders of beneficiary countries. The ENI refers to national and local authorities and CSOs in the preparation, implementation and monitoring of programmes.

The CIR encourages the participation of local contractors as a top priority. This could be applied to the ENI in line with the opening statement (29).

Both the CIR and the ENI introduces a clause with regard to climate action requiring that a certain amount of the budget (now 20 %) is spent for this purpose. In the case of CIR similar requirement applies to spending on biodiversity. The ENI covers environmental protection and climate action as specific objectives of the Regulation and the environment as a cross-cutting issue.

Both the CIR and the ENI refer to the integration of the principles of democracy, rule of law and respect for human rights and fundamental freedoms. The ENI also introduces these principles as main objectives of the instrument. It further incorporates democracy and human rights as cross-cutting issues. The ENI also envisages a review of the programming

documents in cases of crises regarding these fundamental principles. The CIR explicitly links GBS and SBS to progress made in democracy, rule of law and respect for human rights principles. The ENI ties resources to progress made by partner countries in building and consolidating deep and sustainable democracy.

The CIR only includes gender issues under the monitoring and evaluation of actions. The ENI refers to gender equality as an objective and as a cross-cutting issue. The CIR takes into account criteria regarding accessibility for persons with disabilities, the ENI only refers to persons belonging to minorities as a cross-cutting issue.

The CIR adds new or modifies existing financial instruments, e.g. equity or quasi-equity, investments or participations and risk-sharing instruments. The ENI regulation introduces the financial leverage and the use and re-use of funds. Both the CIR and the ENI contain similar clauses regarding co-financing. The ENI also refers to joint programming with EUMSs.

The CIR contains a new article about visibility. The ENI only refers to visibility concerning CBC.

Source: Comparison between CIR and EFI Regulations 2014-2020 undertaken by Chapeau Team.

IPA-II

The IPA does not contain any specific mention of nationality and rules of origin but it refers to the application of the rules and procedures laid down in the CIR. Article 10 CIR exclusively refers to the eligibility under the IPA-II.

The CIR promotes the use of country systems. The IPA-II introduces an article regarding ownership in its Implementing Regulation.

The CIR includes a new article regarding the involvement of stakeholders of beneficiary countries. The IPA involves national and local authorities and CSOs in the preparation, implementation and monitoring of programmes.

The CIR encourages the participation of local contractors as a top priority. This could be extended to the IPA-II in line with the opening statement (12).

The CIR introduces a new clause with regard to climate action requiring that a certain amount of the budget (now 20 %) is spent for this purpose. A similar requirement applies to spending on biodiversity. The IPA-II includes the environment and climate change as thematic priorities for assistance.

The CIR expressly refers to the integration of democracy, rule of law and respect for human rights and fundamental freedoms in the implementation of instruments. The IPA II includes these principles (democracy, rule of law, human rights and respect for and protection of minorities) as required criteria to become a member of the Union. It also introduces them as main objectives of the instrument. The CIR explicitly links GBS and SBS to progress made in democracy, rule of law and respect for human rights principles.

The CIR only includes gender issues under the monitoring and evaluation of actions. The IPA-II introduces gender as a main objective, policy area and thematic priority under the instrument.

The CIR takes into account criteria regarding accessibility for persons with disabilities in the design and implementation of programmes. The IPA-II promotes the social and economic inclusion of persons with disabilities.

The CIR adds new or modifies existing financial instruments, e.g. equity or quasi-equity, investments or participations and risk-sharing instruments.. CIR rules could be applied to the IPA-II in line with the opening statement (20). The CIR contains provisions regarding joint and parallel co-financing. The IPA-II includes an article to ensure coherence and complementarity between the EU and the assistance provided by EUMSs, the EIB, other donors and relevant stakeholders. There are no explicit mentions of division of labour or joint programming. The CIR contains a new article about visibility. The IPA-II also introduces provisions regarding visibility in its Implementation Regulation.

Source: Comparison between CIR and EFI Regulations 2014-2020 undertaken by Chapeau Team

IcSP

The CIR introduces some changes in nationality and rules of origin as a contribution to untying aid. The IcSP Regulation does not provide for any specific implementation rules but in its article 6 and opening statement (15), it simply refers that Union assistance shall be implemented in accordance with the CIR. Therefore, application of arts. 8 and 11 CIR could be applied to the IcSP.

The CIR encourages the use of country systems. The IcSP promotes ownership in the preparation of thematic strategy papers. It also encourages the principles of partnership and coordination. The use of country systems is not mentioned in the IcSP but CIR rules and procedures could be applicable to the IcSP in line with its art. 6 and opening statement (15).

The CIR includes a new article regarding the involvement of stakeholders of beneficiary countries. The IcSP states that thematic strategy papers shall be based on a dialogue with EUMSs, PCs, CSOs and regional and local authorities. The IcSP also includes an article involving the civil society in the preparation, programming, implementation and monitoring measures of the IcSP Regulation.

The CIR encourages the participation of local contractors as a top priority. The IcSP Regulation does not provide for any specific rules regarding local capacity but it contains an opening statement that refers to the rules and procedures laid down in the CIR.

The CIR introduces a new clause with regard to climate action requiring that a certain amount of the budget (now 20 %) is spent for this purpose. A similar requirement applies to spending on biodiversity. The IcSP does not include a similar clause but covers climate change as a cross-cutting issue.

Democracy and human rights are at the core of the IcSP Regulation. Art. 10 IcSP exclusively refers to human rights. The IcSP also includes human rights and democracy as cross-cutting issues. The CIR includes democracy, rule of law, respect for human rights and fundamental freedoms as main objectives of the regulation. It also links GBS and SBS to progress made in democracy, rule of law and respect for human rights principles.

The CIR only includes gender issues under the monitoring and evaluation of actions. The IcSP covers gender equality and the empowerment of women as cross-cutting priorities. It also envisages the provision of technical and financial assistance in situations when individuals are exposed to gender-based violence, and encourages women role in democratic institutions and political processes.

The CIR takes into account criteria regarding accessibility for persons with disabilities in the design and implementation of programmes. The IcSP only refers to non-discrimination as a cross-cutting issue.

The CIR adds new or modifies existing financial instruments, e.g. equity or quasi-equity, investments or participations and risk-sharing instruments. The IcSP only refers to the efficient use of resources but arts. 4(1) and 4(3) CIR could be applied to the IcSP in line with opening statement (15) and art. 6.

The CIR refers to joint and parallel co-financing. The IcSP contains several provisions to ensure coordination with EUMSs, multilateral, regional and sub-regional organisations and other donors and obliges to comply with the principles of aid effectiveness (partnership, coordination and harmonisation).

None of the instruments refer to division of labour or joint programming.

The CIR contains a new article about visibility not contemplated in the IcSP though it could be extended to the IcSP in line with opening statement (15) and art. 6.

Source: Comparison between CIR and EFI Regulations 2014-2020 undertaken by Chapeau Team.

INSC-II

The CIR introduces some changes in nationality and rules of origin as a contribution to untying aid. The INSC-II Regulation does not provide for any specific implementation rules but in its art. 9, it simply refers to arts. 8 and 9 CIR. Hence, the common nationality and origin rules set by CIR apply to the INSC. Furthermore, even though art.9 CIR expressly limits its

scope to DCI, ENI and PI, the INSC-II Regulation stretches these eligibility rules by analogy to the INSC. It also contains an opening statement (18) that states that rules and procedures set by CIR are applicable to the INSC Regulation.

The INSC II is straightforward in promoting ownership in the preparation of strategy papers and MIPs. The use of country systems is not mentioned but it could be extended to the INSC in line with opening statement 18.

The CIR includes a new article regarding involvement of stakeholders of beneficiary countries. The INSC-II refers to the participation of stakeholders only when dealing with MIPs. Art. 15 CIR is not expressly referred to by art. 9 INSC II though it could be extended to its Regulation in line with the opening statement (18).

Art. 9 INSC-II refers to art. 12 CIR. Hence, rules related to monitoring and evaluation of actions apply to INSC-II.

The CIR encourages the participation of local contractors as a top priority. Art. 9 INSC refers to art. 8 CIR thus common rules of art 8(6) CIR related to local capacities also apply to the INSC-II.

The CIR introduces a new clause with regard to climate action requiring that a certain amount of the budget (now 20 %) is spent for this purpose. A similar requirement applies to spending on biodiversity. Nuclear safety culture objectives and, in particular, the safe transport, treatment and disposal of spent nuclear fuel and radioactive waste as well as decommissioning and remediation actions (arts. 2 and 3 INSC II) inherently promote environmental protection and biodiversity.

The CIR explicitly links GBS and SBS to progress made in democracy, rule of law and respect for human rights principles. The INSC-II does not contain any mention of democracy, rule of law, human rights and fundamental freedoms and art. 1(6) CIR is not referred to by art. 9 INSC-II but its application could be extended to the INSC in line with the opening statement (18).

The CIR only includes gender issues under the monitoring and evaluation of actions. Art. 12 CIR is also applicable to the INSC-II.

The CIR takes into account criteria regarding accessibility for persons with disabilities in the design and implementation of programmes, which are not included in the INSC-II but CIR rules could be extended to its Regulation in line with the opening statement (18).

The CIR adds new or modifies existing financial instruments, e.g. equity or quasi-equity, investments or participations and risk-sharing instruments and includes provisions concerning joint and parallel co-financing. It also contains a new article to foster visibility of Union assistance.

In accordance with art. 9 INSC-II, art. 4 CIR applies to the INSC. Hence rules on financing and visibility laid down in the CIR are also relevant for the INSC Regulation

There are no explicit mentions of division of labour or joint programming.

Source: Comparison between CIR and EFI Regulations 2014-2020 undertaken by Chapeau Team.

GD

The GD expressly refers to the application of the rules on nationality and origin laid down in the CIR.

The CIR promotes the use of country systems. The GD promotes the principles of ownership and alignment to national systems concerning the preparation and implementation of the programming documents.

The CIR includes a new article regarding the involvement of stakeholders of beneficiary countries. The GD involves main stakeholders in the preparation and implementation of programming documents as well as in the mid-term review. The CIR encourages the participation of local contractors as a top priority. This could be extended to the GD in line with the opening statement (19) and arts. 5 and 6.

The CIR introduces a new clause with regard to climate action requiring that a certain amount of the budget (now 20 %) is spent for this purpose. A similar requirement applies to spending on biodiversity. The GD includes climate change and the environment as specific objectives and areas of cooperation.

The CIR expressly refers to the integration of democracy, rule of law and respect for human rights and fundamental freedoms in the implementation of instruments and it links GBS and SBS to progress made in these principles. The GD only refers to these principles in an opening statement.

The CIR includes gender issues under the monitoring and evaluation of actions. It also takes into account criteria regarding accessibility for persons with disabilities in the design and implementation of programmes. The GD does not include any reference to gender or disabled people but CIR rules could be applied to the GD in line with the opening statement (19) and art. 5 GD.

The CIR adds new or modifies existing financial instruments, e.g. equity or quasi-equity, investments or participations and risk-sharing instruments. The GD expressly states that assistance will be provided mainly through budget support. The CIR contains provisions regarding joint and parallel co-financing. The GD promotes the principles of partnership and coordination. There are no explicit mentions of division of labour or joint programming.

The CIR contains a new article about visibility. The GD only refers to visibility in the opening statement (11).

Source: Comparison between CIR and EFI Regulations 2014-2020 undertaken by Chapeau Team.

PI

The CIR introduces some changes in nationality and rules of origin as a contribution to untying aid. Opening statement (26) and article 3(6) PI states that Union assistance shall be implemented, in accordance with CIR thus art. 8 and 9 CIR are extended to the PI Regulation. It further states that all third countries, regions and territories may be eligible under its Regulation.

The CIR encourages the use of country systems. The PI does not contain any specific reference to country systems but art. 1(5) CIR could be extended to the PI in line with its opening statement (26) and art. 3(6). The PI emphasizes its interest in deepening its relations and dialogue with countries with which the Union has strategic interest.

The CIR refers to stakeholders and their specificities when defining financing modalities and administrative provisions and the PI obliges to apply a differentiated and flexible approach taking into account countries' specific context and needs. The CIR includes a new article regarding the involvement of stakeholders of beneficiary countries. The PI contains an opening statement that states that the Regulation should be pursued in consultation with relevant partners and stakeholders including CSOs and LAs.

The CIR encourages the participation of local contractors as a top priority. The PI Regulation does not provide for any specific rules regarding local capacity but CIR rules could be extended to the PI in line with opening statement (26) and article 3(6).

Both the CIR and the PI introduce a clause with regard to climate action requiring that a certain amount of the budget (now 20 %) is spent for this purpose. In addition, the PI introduces the fight against climate change and the promotion of the environmental standards of the Union as objectives of its Regulation.

The CIR includes democracy, rule of law, respect for human rights and fundamental freedoms as main objectives of the regulation. The PI incorporates them as general principles. The CIR also explicitly links GBS and SBS to progress made in democracy, rule of law and respect for human rights principles.

The CIR only includes gender issues under the monitoring and evaluation of actions. The PI simply refers to equality as a general principle.

The CIR takes into account criteria regarding accessibility for persons with disabilities in the design and implementation of programmes that are not covered under the PI though CIR rules could be extended to the PI in line with opening statement (26) and art. 3(6).

CIR adds new or modifies existing financial instruments, e.g. equity or quasi-equity, investments or participations and risk-sharing instruments. The PI only refers to the efficient use of resources to optimise the impact although, arts. 4(1) and 4(3) CIR could also be applied to the PI in line with its opening statement (26) and art. 3(6). The PI promotes a coherent multilateral approach to address global challenges and it encourages cooperation with regional organisations, IOs, IFIs, UN agencies and bilateral donors.

The CIR refers to joint co-financing. There are no explicit mentions of joint programming.

Both the CIR and the PI promotes visibility.

Source: Comparison between CIR and EFI Regulations 2014-2020 undertaken by Chapeau Team.

EDF

The CIR introduces some changes in nationality and rules of origin as a contribution to untying aid. The EDF refers to the application of Annex IV to the ACP-EU Partnership Agreement, which contains nationality and rules of origin requirements.

The CIR encourages the use of country systems. The EDF refers to the principles of economy, efficiency and effectiveness and it takes into account the cost of controls and the administrative burden when choosing the type of financing. It also calls on the Union to simplify and reduce the diversity of funding rules to avoid unnecessary burden.

The CIR also includes a new article regarding involvement of stakeholders of beneficiary countries. The participation of CSOs and LAs in the preparation, implementation, monitoring and evaluation of actions is not explicitly stated in the EDF Regulation.

The CIR further encourages the participation of local contractors as a top priority. The EDF does not provide for any specific rules regarding local capacity in its Regulation but it refers to the Annex IV to the ACP-EC Partnership Agreement which in its art. 26(2) gives preferential treatment in evaluation of tenders from ACP countries

The CIR introduces a new clause with regard to climate action requiring that a certain amount of the budget (now 20 %) is spent for this purpose. A similar requirement applies to spending on biodiversity. The EDF does not include any mention of climate change and environment though it refers to the implementation of multilateral environmental agreements in Annex IV to the ACP-EC Partnership Agreement.

Both the CIR and the EDF explicitly link GBS and SBS to progress made in democracy, rule of law and respect for human rights.

The CIR refers to gender issues in the monitoring and evaluation of actions and It takes into account criteria regarding accessibility for persons with disabilities in the design and implementation of programmes. The EDF Regulation does not contain any mention of gender/women or disability in its Regulation.

The CIR adds new or modifies existing financial instruments, e.g. equity or quasi-equity, investments or participations and risk-sharing instruments. The EDF includes a title covering the different types of financing including grants, procurements, prizes, BS, financial instruments, experts and trust funds among others. It also emphasizes the importance of attracting joint financing from other donors. Furthermore, the EDF includes a range of articles to regulate the Investment Facility managed by the EIB. Both the CIR and the EDF refer to parallel and joint co-financing. There are no explicit mentions of division of labour or joint programming.

Both the CIR and the EDF foster visibility for EU financial support, including visibility requirements on recipients of EU funds.

Source: Comparison between CIR and EFI Regulations 2014-2020 undertaken by Chapeau Team.

1.1.5 CIR and 2015 Budget focused on results

Evidence Summary

There is no evidence that the CIR is at present less relevant than at its adoption in 2014. The documents related to the 2015 Budget Focused on Results Initiative, containing an extensive review of multiple provisions of the 2012 Financial Regulations and related documents do not modify any provision under the CIR. They do enhance the emphasis on efficient management for results and reflect the concern for further simplification and flexibility.

Budget Focused on Results Initiative 2016 COM (2016) 605 final

CONTEXT OF THE PROPOSAL

Reasons for and objectives of the proposal

The Financial Regulation²⁹ sets out the principles and procedures governing the establishment and implementation of the EU budget and the control of the EU funds. Over the last 30 years, the number of general financial rules contained in the Financial Regulation has increased sharply³⁰. In addition, a number of sectoral financial rules have emerged: the rules for participation to the Framework Programme for Research and Innovation³¹, the Common Provisions to the European Structural and Investment Funds³² and the Common Implementing Rules for the External Action³³.

Users of EU funds have repeatedly complained about the proliferation of rules both at general and at sectoral level, their heterogeneity and their complexity due to the fact that they follow the architecture of the programme and multiple layers of controls. In addition, the complexity of the financial set of rules has slowed down implementation of the EU funds, making it costly and prone to errors.

A first step towards more coherent and simpler financial rules was achieved in 2012: the Commission tabled proposals for the programmes covered by the MFF 2014-2020 which reduced the number of programmes and instruments, grouped them under a single framework with common rules, simplified procedures for application and declaration of costs by final beneficiaries, facilitated the deployment of innovative financial instruments, enabled EU Trust-Funds and improved the cost-efficiency of controls. Recent revisions have aligned the Financial Regulation on the results of the negotiation to the MFF 2014-2020 (2013 revision) as well as to the new Procurement Directive (2015 revision).

However, there is room for further simplification. This is confirmed by the experience gained since 2014 and by the work of the High Level Group of Independent Experts on Monitoring Simplification for Beneficiaries of the European Structural and Investment Funds³⁴. The public consultation on the revision of the Financial Regulation³⁵ also shows stakeholders' clear expectations in the area.

Efforts must therefore continue in order to remove bottlenecks, ensure synergies and complementarities between ESI Funds and the other EU funds and improve efficiency of delivery and control requirements. Simpler and more flexible financial rules will contribute to optimising spending and impact of the MFF 2014-2020 and constitute as such one of the key elements of the Commission's initiative for a Budget Focused on Results (BFOR) which aims

²⁹ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, OJ L 298, 26.10.2012, p.1)

³⁰ From the 71 pages of the 1977, to 319 pages in 2006 and 345 pages in 2012

³¹ Regulation (EU) No 1290/2013 laying down the rules for participation and dissemination in "Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)" and repealing Regulation (EC) No 1906/2006.

³² Regulation (EU) No. 1303/2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund

³³ Regulation (EU) No. 236/2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action

³⁴ Group of experts chaired by former Vice-President Siim Kallas set-up by the Commission on 10 July 2015 in order to advise it with regard to simplification and reduction of administrative burden for beneficiaries of the European Structural and Investment Funds.

³⁵ See synthesis on http://ec.europa.eu/budget/consultations/index_en.cf

at making sure that resources are allocated to priorities and that every action delivers maximum performance and added value³⁶. In addition, this will reduce the costs related to *implementation of EU rules as well the number of errors*.

Simpler and more flexible EU financial rules are key in enhancing EU budget's ability to adapt to changing circumstances and to respond to unexpected developments.

The present legislative proposal forms an **integral part of the mid-term review/revision of the multiannual financial framework (MFF) 2014-2020**. It contributes to two of its main objectives: **simplification** and **flexibility**.

The Commission therefore proposes in a single act an **ambitious revision of the general financial rules** accompanied by **corresponding changes to the sectorial financial rules** set out in 15 legislative acts concerning multiannual programmes. The inclusion of sectoral changes in the same legislative proposal aims at ensuring a coherent negotiation process as well as at facilitating a speedy adoption by the legislator. The focus is put on the following key areas:

- **Simplification for recipients of EU funds:** many measures aim at simplifying life for recipients of EU funds. They relate to grants (removal of the non-cumulative award check for low-value grants and of the non-profit principle; simpler rules for "contribution in kind" valuation; recognition of volunteer work; grant awards without calls for proposal under specific conditions) and simplified forms of grants (Title VIII).
- **From multiple layers of controls to cross reliance on audit, assessment or authorisation, and harmonisation of reporting requirements:** the aim of these measures is to encourage reliance as far as possible on one single audit, assessment or authorisation (conformity to State aids for instance), when the audit, assessment or authorisation meets the necessary conditions to be taken into account in the EU system. More generally, rules for implementing partners (international organisations, EIB/EIF, national promotional banks, national agencies, NGOs) will be simplified by relying increasingly on their procedures and policies once assessed positively. Financial framework partnership agreements concluded with long term partners will allow progressing in the harmonisation of audit, reporting and other administrative requirements among donors (Title V Articles 122, 123 and 126).
- **Allowing the application of only one set of rules to hybrid actions or in the case of combination of measures or instruments:** the proposal aims at achieving further simplification for the partners of the EU by a number of measures to avoid the parallel application of different rules and procedures, notably through facilitating the combination of European Structural and Investment Funds (ESIF) funding with financial instruments and the European Fund for Strategic Investments (Title V).
- **More effective use of financial instruments:** optimise use of reflows, ensuring a level playing field among key EU implementing partners, reducing burdensome requirements related to publication of individual data of final recipients or to the exclusion criteria (Title X).
- **More flexible budget management:** the proposal sets out several ways for more budgetary flexibility, in order to allow the Union to respond to unforeseen challenges and new tasks more effectively and to achieve swifter crisis management - among which the creation of a "flexibility cushion" for unforeseen needs and new crises in the external actions geographic instruments budget, a more efficient activation of the solidarity and globalization adjustment funds, and the extension of Trust-Funds to internal policies (Articles 14 and 227), the creation of a EU crisis reserve with the reuse of decommitted appropriations, and for the next Multiannual Financial Framework, the possibility that financial operations other than financial instruments generate a contingent liability for the Union exceeding the financial assets provided to cover the financial liability of the Union (Article 203) and the creation of a common provisioning fund holding the resources

³⁶http://ec.europa.eu/budget/library/biblio/documents/2015/2015_eu_budget_focused_on_results_conference_summary_en.pdf

provisioned for financial operations (Article 205). Recent initiatives (such as the European Fund for Strategic Investments (EFSI) or the European Fund for Sustainable Development (EFSD)), have indeed shown the need to fully use the leverage of the EU budget by creating non-provisioned contingent liabilities. Title X sets the framework to authorise, manage and control these financial risks.

- **Focus on results and streamlining of reporting:** a stronger focus on results through lump sums, prizes, payment based on output and results rather than on reimbursement of costs, payment against conditions to be fulfilled (Article 121, Title XIII). This should contribute to further reducing the costs of implementing EU funds as well as the number of errors. On the reporting side, reports are regrouped around the draft budget and the integrated financial reporting package, in order to increase efficiency and transparency both towards the general public and the budgetary authority (Articles 39 and 239-245).
- **Simpler and leaner EU administration:** facilitating agreements or delegations between Institutions or bodies in order to pool the implementation of administrative appropriations in European Offices or within Executive Agencies (Articles 57, 58, 64, 65 and 68); merging consultative panels competent for financial irregularities (Article 73 (6)) with the EDES panel (Article 139) and moving from annual to multiannual financing decisions (Article 108).
- **Providing possibility for citizen engagement:** the proposal provides a possibility for citizens to be consulted on the implementation of the Union budget by the Commission, Member States and any other entity implementing the Union budget (Article 54).

In simplifying and making EU financial rules more flexible, the present proposal paves the way for the preparation of the next generation of spending programmes (post-2020).

Consistency with existing provisions on the policy area. In designing simpler and more flexible EU financial rules the Commission has made sure that it does not weaken sound financial management which remains a key objective. Quite to the contrary, the present proposal also strengthens rules on tax avoidance to be respected by EU implementing partners and clarifies that the duty to avoid conflicts of interest fully applies to all modes of implementation of EU funds (including at the level of Member States). It also consolidates the systems in place to protect EU budget against fraud and financial irregularities (extending the authorising officer's competence to take action with regard to the Early Detection and Exclusion System in indirect implementation). The simplification of EU financial rules will also contribute to reduce the costs and time needed to implement EU funds as well as the number of errors. It should also increase the impact of the policies and results on the ground.

Source: COM (2016) 605 final Explanatory Memorandum pp 1-3

1.2 EQ 2 on effectiveness

To what extent has the CIR delivered on its objectives, e.g. improved delivery of the objectives of the instruments?

2.1 Promoting climate change and environment mainstreaming (Art. 2(6) and Art. 14)

Main findings

- The promotion and mainstreaming of the climate change and environment agendas takes place already at the stage of programming involving high level commitments to the UN and OECD.
- The CIR did not provide any specific guidance in this regard for implementation, except for requirements on environmental screening of project proposals and environmental impact assessments already regulated by other legislative acts³⁷
- The CIR has at best had a neutral effect, i.e. it

Main sources of information:

- Responses to question 2 of the questionnaire by EFI evaluation teams

³⁷ Directive 2011/92/EU of the European Parliament and of the Council and Council Directive 85/337/EEC

<p>neither helped nor hindered the realization of these commitments.</p> <p>Strength of the evidence base: <i>Strong</i></p>	
2.2 Promoting human rights and fundamental freedoms (Art. 1(6) and Art. 4(2) 3rd paragraph)	
<p>Evidence Summary</p> <ul style="list-style-type: none"> • Scant references to the promotion of democracy, the rule of law and respect for human rights and fundamental freedoms as compared to EFI Regulations. • Gender equality is absent as a priority. • The CIR does not provide any particular guidance how principles and actions should be implemented. • Effects were at best neutral, i.e. the CIR neither helped or hindered the realization of these principles and actions. <p>Strength of the evidence base: <i>Strong</i></p>	<p>Main sources of information:</p> <ul style="list-style-type: none"> • Responses to question 2 of the questionnaire by EFI evaluation teams
2.3 Inclusion of criteria regarding accessibility for persons with disabilities (Art. 2(7))	
<p>Main findings</p> <ul style="list-style-type: none"> • The fact that the CIR includes a provision about persons with disabilities is an innovation, as this dimension is generally not found in EFI Regulations. • The reference is very succinct and does not contain any specific guidance for implementation. • The CIR has at best had a neutral effect, i.e. it neither helped or hindered the realization of these commitments. <p>Strength of the evidence base: <i>Strong</i></p>	<p>Main sources of information:</p> <ul style="list-style-type: none"> • Responses to question 2 of the questionnaire by EFI evaluation teams
2.4 Flexibility and speed of delivery in the field of comitology (Art. 2 (3) and Art. 3)	
<p>Main findings</p> <ul style="list-style-type: none"> • Funding thresholds for exemption from Committee approval for action programmes and individual and special measures (respectively EUR 5 and 10 million) are too low, as most actions involve funding that exceeds these thresholds. provisions are useful in a limited way, notably for actions in small island states (individual measures) and some small (post) emergency and LIRRD programmes (special measures). • The threshold applied to support measures (for studies, seminars etc.) (EUR 10 million) is generally found to be adequate. • Comitology rules under the CIR do not make a sufficiently significant contribution to responsiveness and flexibility of EU action required for optimisation of impact. <p>Strength of the evidence base: <i>Strong</i></p>	<p>Main sources of information:</p> <ul style="list-style-type: none"> • Interviews with geo-coordination desks and operational units for thematic programmes in DEVCO and NEAR as well as Committee secretariat.

4.5 Monitoring and evaluation (CIR Art. 12 (1) and Art. 17)

Main findings

- The CIR has contributed to a strengthening of monitoring and evaluation in DEVCO, FPI and NEAR with an emphasis on pre-defined, clear, transparent and measurable indicators.
- The DEVCO Results Framework launched in 2015 is relatively LDC focused and does not meet all requirements of Instruments and programmes handled by FPI and NEAR
- The CIR also includes the requirement to conduct a mid-term review of all EFIs and the CIR itself.

Strength of the evidence base:

Strong

Main sources of information:

- Interviews with DEVCO/06, NEAR/A3 and FPI/1

1.2.1 Promoting climate change and environment mainstreaming (i.e. articles 2 (6) and 14) – spending of at least 20 % of 2014-2020 budget; respect of Hyderabad objective to double biodiversity related international spending

Evidence Summary

The promotion and mainstreaming of the climate change and environment agendas takes place already at the stage of programming. They are driven by UN and OECD agendas with stringent targets, e.g. concerning the share of development cooperation funds to be spent on climate change.

The fact that the CIR makes reference to these high level goals and commitments has at best had a neutral effect, i.e. it neither helped or hindered the realization of these commitments. In other words, actions were driven by forces beyond the CIR, whereby the CIR also did not provide any more specific guidance in this regard for implementation than was available elsewhere. The function of the CIR was that it provided an additional legal underpinning to the agendas of climate change and environment.

DCI

There is strong evidence that there has been significant mainstreaming of climate and environment action in the DCI since 2014. Looking at the information from the Statistical Dashboard, 30,5% of DCI commitments for 2014-2015 were marked as being Aid to environment (16,2% main objective, 14,3% significant objective).

Progress made seems to have been driven by UN and OECD agendas concerning climate change and environment mainstreaming, culminating in the Paris Agreement (COP 21) adopted in November 2015. The international agreements involved very stringent targets concerning the share of development cooperation funds to be spent on climate change. The EU abided by these norms using a relatively strict methodology as compared to EU Member States. This process was endorsed and promoted by the CIR, but the CIR may not have been the driving force.

The DCI was slightly above the 20% target (22 %) but the EDF was well below (9.6%). It is worth noting that these scores represent a significant improvement compared to 2014 (EDF 3.4%, DCI 16.8%) and to 2007-2013 (EDF 7%, DCI 10.8%). DCI thematic spending even reached 29,1% in 2015.

As far as the monitoring of the Hyderabad objective on biodiversity is concerned, the CIR mentions “doubling of investments”. According to the thematic desk in DEVCO, the baseline (i.e. average spending 2006-2010) has been calculated at €166,280,000/annum (source: Financial reporting framework (EU) submitted to CBD on 2016-02-19). The target would be doubling this amount i.e. spending € 332,560 / annum, the achievement of which has been reported as part of the EU presentation to the CBD presentation.

Source: Revised response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EIDHR

Climate change and the environment is not a focus of the EIDHR. Nonetheless, climate change and the environment are included in support to environmental HRDs and organisations under the EIDHR Emergency Fund for HRDs at risk, protectDefenders.eu, and Lot 1 of the 2015 and 2017 global calls³⁸. References are also made to mainstreaming these issues in the following action documents:

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

ENI

The information on the increase of financial resources is extracted from the Statistical Dashboard, with the limitation that the data available is limited to the 2014-2015 period³⁹. It provides a picture of the implementation of ENI programmes but does not allow to compare the information with the ENPI period.

Overall, environment protection is one of the five related Rio markers where ENI commitments are significant, with 3% as main objective and 25% as a significant objective. Biological diversity is far less covered by ENI activities and only 2% of the total ENI commitments are targeting this area as a significant objective.

Climate change and mitigation are targeted as main objectives by less than 1% of ENI commitments but are indicated respectively as a significant objective for 22% and 21% respectively.

Commitments that contribute to combat desertification are not significant (less than 1%).

To summarize evidence collected from interviews, the level of priority given to climate change and environment has not changed significantly in the Neighbourhood. The ENP review 2015 induced a strong emphasis on stabilisation, security and migration where mainstreaming CC is not easy. The focus lies on soft measures such as PAR, PFM and private sector development. The programmes adopted to date did not commit 20% or more of their budget to climate change and environment.

Despite such a high level of priority, the CIR has proven to be ineffective by the mere fact that CIR is aimed at the implementation phase whereas programming is i) led by EEAS and therefore not directly influenced by CIR injunctions and ii) based on the policy framework rather than implementing regulations. This was amply demonstrated by the adoption of the Communication on the ENP review in 2015 which brought major changes in the objectives and priorities of the ENP, yet without making the related amendments to the CIR (and ENI regulation). Conflicting interests between regulations and the prominence of Communications over regulations, rather than increasing the focus originally wanted by legislators, led to downscale the potential of the CIR.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IPA-II

Overall, the creation of the Centres of Thematic Expertise (CoTE) in 2015 within DG NEAR provides a basis for more effective mainstreaming of key horizontal themes in IPA II programming. The extent to which they can be proactive in this role is conditioned by their capacities, which vary from limited to good.

Climate change and environment has been built-in already in the IPA II regulation. Mainstreaming of issues referring to the protection of environment and to climate change is examined as a cross-cutting issue during projects' identification for all IPA II actions (under the QSG process).

The inclusion in the CIR of such a high-level priority has limited additional effect. Climate change and environment are main features of the EU accession agenda and thus the

³⁸ Lot 1 (2017) – Supporting Human Rights Defenders in the area of land-related rights, indigenous peoples, in the context of inter alia 'land grabbing' and climate change.

³⁹ In fact, ENPI decisions all appear to be „Not screened“ with regards to the Rio Markers according to the Statistical Dashboard.

political emphasis to comply with the requirements in this area is non-disputable for IPA II beneficiaries.

Overall, the qualitative interviews conducted to date suggest that the level of priority given to climate change and environment has not increased significantly yet.

Statistical data on IPA II funds committed during 2014/ 2015 for environment show that for the period under review 28% of the IPA commitments are addressing environment as a main or at least significant objective, whilst 70% of the commitments are not targeting environment at all. As the available data covers only 2014/ 2015, the extent of increase is difficult to assess.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IcSP

The commitment to mainstreaming climate change and environment is enshrined in the legal text of the IcSP. There is evidence that mainstreamed is happening in varying degrees across the articles (in Sahel countries; in countries affected by the influx of refugees; in CBRN related actions; etc), including in security related actions and where activities fall under the priority sectors that DEVCO identified as having the highest potential to contribute to the 20% climate action expenditure target (see below). Implementation of Art. 5 priority on climate change and security has, however, been facing difficulties: linkages between these policy areas are acknowledged, but identifying relevant activities and/or suitable actors to implement this new policy area has been less evident.

IcSP climate relevant commitments in 2015 represented 19% of the Instrument overall commitments for the year, with more than 2/3 of climate relevant commitments on climate change adaptation. Only 'Rio markers' on climate change mitigation and adaptation expenditure markers are targeted for the IcSP (biodiversity and desertification are not targeted).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

INSC-II

The Instrument main goal is about the preservation of the quality of the environment.

Cross-cutting environmental issues are equally available under both INSC-I and INSC-II because of the very nature of the instrument. However, in both periods, the instrument's cross-cutting environmental issues are not sufficiently acknowledged or made visible, both from a design point of view and in practice.

INSC-II. The 2014 ADs do not contain information on Markers from the CRIS DAC Form, including Rio Convention Markers. The 2015 and 2016 ADs all state expressly that Rio Convention Markers (a.o. on climate mitigation and climate adaptation) are not targeted by the actions. However, one single AD indirectly addresses climate change. Indeed, AD for Ukraine (Annex 4 2014 AAP) states in its cross-cutting issues that, to the extent that this project provides some support to the nuclear power industry of Ukraine, it will facilitate the use of low carbon energy sources.

Cross-cutting environmental issues are equally available under both INSC-I and INSC-II because of the very nature of the instrument. However, in both periods, the instrument's cross-cutting environmental issues are not sufficiently acknowledged or made visible, both from a design point of view and in practice.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

GD

The Council Decision 2006 mentions "Strategic Environmental Assessments" but there is increased emphasis on climate change and environmental issues in the CIR including the provision that "Appropriate environmental screening, including for climate change and biodiversity impacts, shall be undertaken at project level" Art 2(6). This change is not yet visible, however, in the new PDSD or AIRs. If anything, environmental issues seem to be less visible in the current PDSD compared with the 2007 PDSD.

According to the DEVCO programme manager, EIAs have not been carried out on renovation works but the renovation of old buildings under GEP has increased energy efficiency.

In any case, the EC is relying on Greenland EIA legislation and practices of Greenland, which are deemed to be of high international standard.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

PI

The Partnership Instrument is in-line with the CIR requirement (Article 14) that the Commission tracks the amount of financial resources allocated to climate change, biological diversity and combatting desertification. This is done by using Rio markers and choosing whether the area is the main or a significant objective under an action fiche.

Based on this tracking, it can be concluded that the allocation under AAPs 2014, 2015 and 2016 of the PI devoted to climate change mitigation amounts to 90.48 mio EUR out of 316.37 mio EUR of allocation for these annual action programmes. The Partnership Instrument therefore exceeds the commitment that at least 20% of 2014–2020 EU budget should be spent on climate-change related action.

In addition, the allocation devoted to biological diversity under AAPs 2014, 2015 and 2016 is of 13.76 mio EUR, i.e. 4.3% of the allocation for these years.

As regards the last area, combatting desertification, there has not been any allocation devoted to it under AAPs 2014, 2015 and 2016.

The tables below show detailed figures.

Table 2 Amounts of budget allocation to mainstreaming climate action

	<i>No of action fiches</i>	<i>Budget (mio EUR)</i>	<i>Budget allocated to CC mitigation (mio EUR)</i>
AAP 2014	19	107	35.26
AAP 2014 – main objective	4	13	13
AAP 2014 – significant objective	4	55.65	22.26
AAP 2015	17	103.72	22.34
AAP 2015 – main objective	0	0	0
AAP 2015 – significant objective	6	55.85	22.34
AAP 2016	22	105.65	32.88
AAP 2016 – main objective	6	25.4	25.4
AAP 2016 – significant objective	4	18.7	7.48
TOTAL	58	316.37	90.48

Source: Figures provided by FPI, 15-12-16

Table 3 Amounts of budget allocation to mainstreaming of biological diversity

	<i>No of actions</i>	<i>Budget (mio EUR)</i>	<i>Budget allocated to biological diversity (mio EUR)</i>
AAP 2014	19	107	0.4
AAP 2014 – main objective	0	0	0

	<i>No of actions</i>	<i>Budget (mio EUR)</i>	<i>Budget allocated to biological diversity (mio EUR)</i>
AAP 2014 – significant objective	1	1	0.4
AAP 2015	17	103.72	7
AAP 2015 – main objective	1	7	7
AAP 2015 – significant objective	0	0	0
AAP 2016	22	105.65	6.36
AAP 2016 – main objective	1	3	3
AAP 2016 – significant objective	2	8.4	3.36
TOTAL	58	316.37	13.76

Source: Figures provided by FPI, 15-12-16

Findings from fieldwork

As part of the fieldwork in country, the mid-term evaluation team investigated to what extent the sample of case study actions took account of democracy and human rights, climate change and biodiversity, disability access and gender equality. The below highlights the key findings on these aspects, which confirm the limited structural regard for gender mainstreaming and disability access. Climate change and environmental aspects are mainly taken into account when these relate to the specific objectives of the action, and are generally done so based on the interests and predispositions of implementing partners on such issues, rather than due to any requirement to do so as this is lacking in the PI processes.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EDF

In order to assess financial support for climate change and the environment, we have built a number of indicators based on the existing OECD markers and studied the evolution of EDF commitments over the period 2010-2015. It was necessary to use commitments instead of disbursements because of the lack of consistency in the use of the OECD markers before 2010.

The first indicator (Figure 1) combines the markers for environment, climate change adaptation, climate change mitigation, biodiversity and desertification to provide a comprehensive picture. The second indicator (Figure 2) only captures the environment marker, while the third and fourth indicators capture climate change adaptation and mitigation respectively (Figure 3 and Figure 4). The OECD markers can take three different values, depending on the nature of the project:⁴⁰

- An activity can be marked as “principal” when the objective (climate change mitigation, climate change adaptation, biodiversity, combating desertification) is stated in the activity documentation to be one of the principal reasons for undertaking the activity. In other words, the activity would not have been funded (or designed that way) but for that objective.
- An activity can be marked as “significant” when the objective (climate change mitigation, climate change adaptation, biodiversity, combating desertification) is explicitly stated but is not the fundamental driver or motivation for undertaking and

⁴⁰ Adapted from OECD (2016) Annex 18. Rio Markers. DCD/DAC(2016)3/ADD2/FINAL

designing the activity. The activity has other prime objectives but has been formulated or adjusted to help meet the relevant environmental concerns.

- An activity can be marked as “not targeted” when the activity was examined but found not to target the objective in any significant way.

The graphs show that in general little or no progress was made between 2010 and 2014. The only exceptions are the projects reporting environment and climate change mitigation as a “significant objective”. However, the increase recorded in these two cases is small.

Across most indicators, some progress was made between 2014 and 2015. The increase was small and, in most cases, it brought commitments to the highest level recorded in the period 2010-2015. The main exception is the marker on climate change mitigation, which decreased slightly in 2015 compared to 2014.

It is not clear whether the inflexion point marked in 2014 could be the result of the transition between the 10th EDF and the 11th EDF. Total EDF commitments were very low in 2014 and even if the indicator theoretically accounts for changes by looking at the percentage of commitments, it is still possible that there are differences in the nature of the projects committed in 2014 (e.g. that projects committed in 2014 were those of a similar nature to EDF 10, while projects in new priority sectors might have still been in the identification and formulation phases).

Interestingly, projects using the label “significant objective” and projects using the label “main objective” show a different trend. Across most indicators, progress was recorded on the projects labelled as “significant objective”, while projects with the label “main objective” have decreased or remained stagnant. In other words, it seems that projects designed specifically to tackle environmental issues and climate change have decreased slightly in the period 2010-2015. Conversely, projects with other primary objectives but which take environmental and climate issues into account have tended to increase.

This trend is consistent with the findings on the mainstreaming of climate change and the environment in existing projects and programmes. Theoretically, mainstreaming should result in more projects taking into account climate change and environmental issues, but not necessarily in a greater number of projects focusing on these issues.

Figure 1 *Support to environment, biodiversity, climate and desertification as % of EDF commitments*

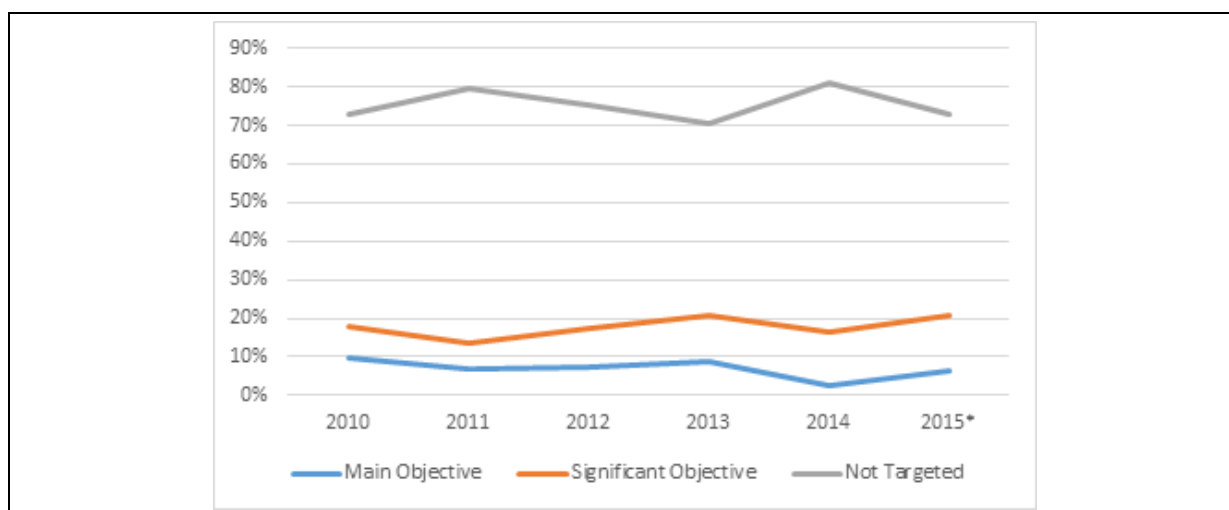


Figure 2 Support to environment as % of EDF commitments

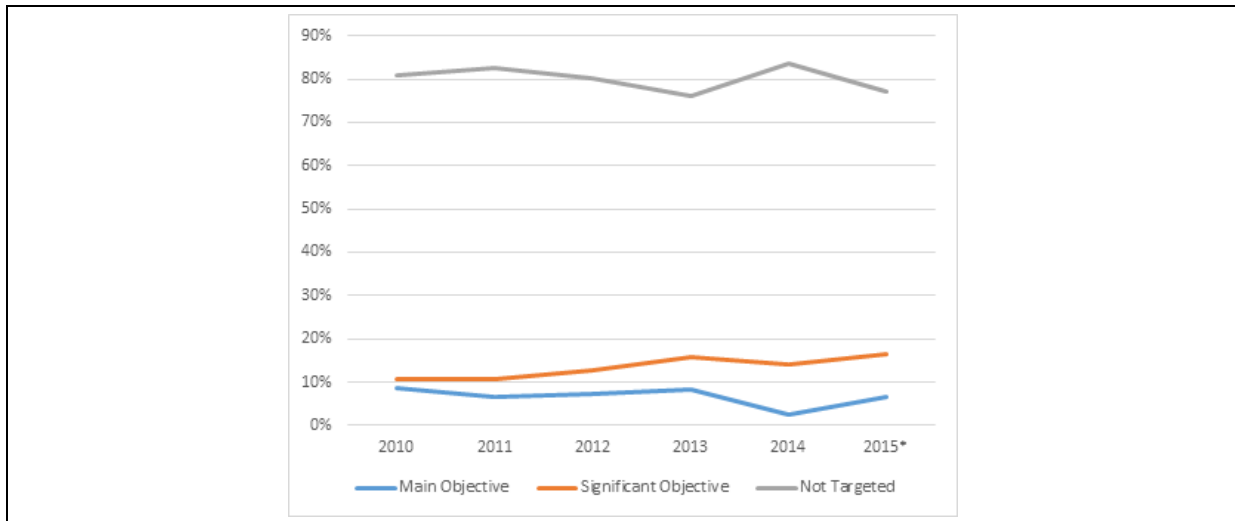


Figure 3 Support to climate change adaptation as % of EDF commitments

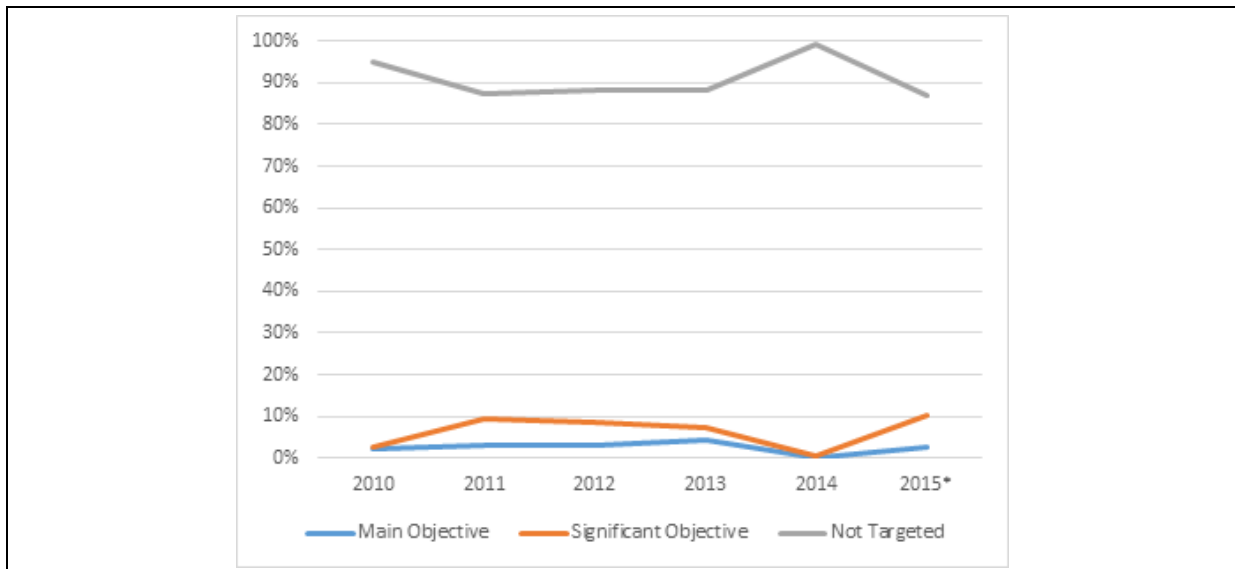
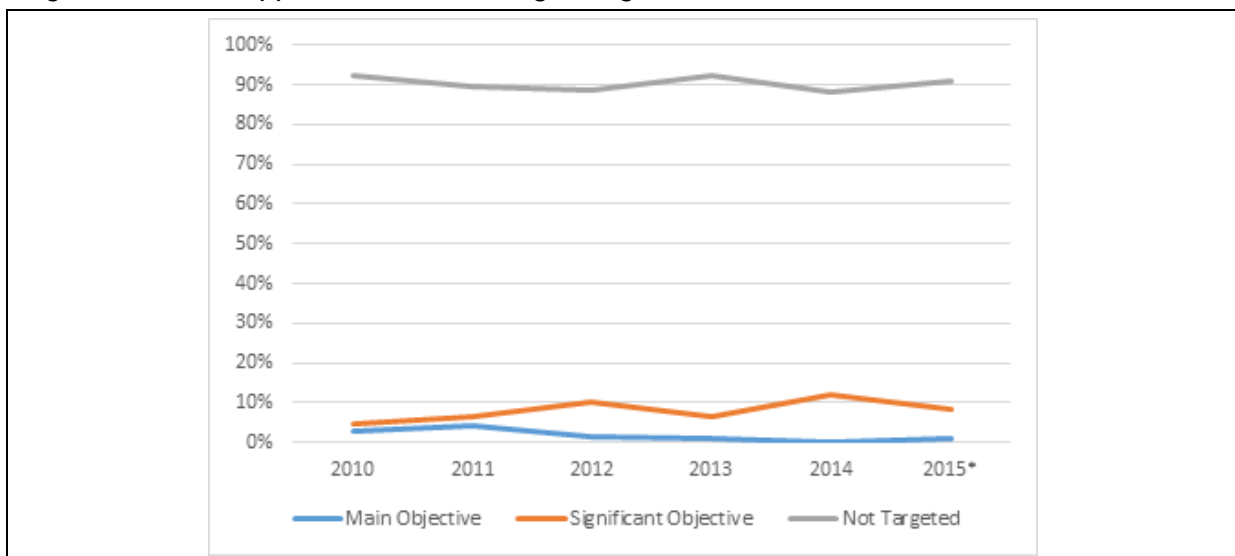


Figure 4 Support to climate change mitigation as % of EDF commitments



Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

1.2.2 Promoting human rights and fundamental freedoms (i.e. articles 1 (6) and 4 (2) (3rd paragraph))

Evidence Summary

References to the promotion of democracy, the rule of law and respect for human rights and fundamental freedoms are relatively scant in the CIR as compared to other EU policy documents and EFI Regulations. Gender equality is absent as a priority.

In Art. 4 (2) 3rd paragraph, decisions to provide general and sector budget support are linked to an assessment of the commitment, record and progress of partner countries with regard to democracy, human rights and the rule of law. Budget support will be differentiated on the basis of the political, economic and social context of the partner country., taking into account situations of fragility.

The CIR does not provide any particular guidance how these principles and actions should be implemented. The CIR seems to only confirm long-standing and prominent principles and actions of the EU that would have been no different without the CIR. The CIR does provide an additional legal underpinning to the promotion of human rights and fundamental freedoms.

DCI

References to the promotion of democracy, the rule of law and respect for human rights and fundamental freedoms are relatively scant in the CIR as compared to other EU policy documents and EFI Regulations. These dimensions are only mentioned in a general sense in Article 1(6) and 4(2)(3rd paragraph), the latter with reference to budget support.

The CIR seems to only confirm long-standing and prominent principles and actions of the EU that would have been no different without the CIR.

The strong emphasis in EU action on democracy, the rule of law, human rights and fundamental freedoms is reflected in all existing information. The financial information from the Statistical Dashboard shows that 75% of all DCI commitments between 2014-2015 have been marked as targeting participatory democracy and good governance (37% as main objective, 38% as significant objective).

Democracy and human rights have been part of all considerations applied in General and Sectoral Budget Support at least since 2013. The dimensions are well documented in all EU reporting.

Gender: There is only a very brief mention of gender in the CIR under the heading of "Monitoring and Evaluation" (Art. 12(1)) and not even a minimal reference to the EU Gender Action Plan. Both the 2007-2013 and 2014-2020 DCI Regulations are far more elaborate on this issue. The inclusion of gender in the design of actions in terms of an increase of financial resources or greater gender-sensitivity of actions can therefore not reasonably be associated with the CIR.

This does not mean that gender has not been an important consideration in EU action. The Statistical Dashboard illustrates that around 45% of DCI commitments for 2014-2015 are taken into account in the gender equality marker (4% main objective, 41% significant objective).

It must, however, be noted that gender mainstreaming has also remained a challenge. For example, according to QSG data, the use of sex-disaggregated indicators in projects and programmes has only been practised in twenty of the forty-nine programmes.

The results achieved in this regard are somewhat uneven, CSO/LA interventions being at the bottom of the list, with no references to sex-disaggregated data, followed by the Pan African programmes (with just one intervention with gender data). By contrast, GPGC thematic and Geographic programmes perform relatively well.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EIDHR

The promotion of democracy, rule of law and human rights and fundamental freedoms are at the core of all actions under the EIDHR.

Gender mainstreaming: Women's rights and gender (including the rights of LGBTI persons) are included as Specific Objective 2 in the Annex to the regulation and are included in all annual action and multi-annual action programmes every year⁴¹. Numerous actions under the EIDHR include a direct focus on gender, which is mainstreamed in the vast majority of all other actions. There has been an increase in number of actions and expenditure / allocations on women's rights (including women HRDs and HRDs working on women) under the current EIDHR compared to the period covered by the MIP 2011-13, and in expenditure and the number of actions focused on discrimination based on gender as illustrated in Table ZXX below.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

ENI

The financial data extracted from the Statistical Dashboard shows that one third of ENI commitments are targeting democracy as main objective, and 26% as a significant objective.

Promotion of democracy, the rule of the law and respect of human rights is in-built in ENI regulation, to the extent that progress in those matters are key in implementing the incentive-based approach. Their duplication in CIR has had no perceptible additional effect.

Gender mainstreaming: In a way similar to the promotion of democracy, gender mainstreaming is an in-built feature of the ENI regulation but is targeted as main objective through only 2% of ENI commitments. Gender is however a significant objective of 39% of the commitments, indicating a relatively strong mainstreaming. It is not possible to infer specifically from the above that the inclusion of gender mainstreaming into CIR has had an additional effect.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IPA-II

Overall, the IPA II Regulation stipulates that IPA II financial assistance should be provided in line with the enlargement policy framework, considering the overall Enlargement Strategy and the annual enlargement package of the EC as well as of the relevant Council conclusions and resolutions of the European Parliament.

In line with the aims of the Enlargement Strategy, the need to address "fundamentals first" focuses also directly on governance and the rule of law. Promotion of democracy, the rule of the law and respect of human rights is already built into IPA II regulation, to the extent that progress in those matters are key for implementing further accession-related actions and/ or opening of negotiation chapters. Mainstreaming of promotion of democracy, the rule of the law and respect of human rights is examined as a cross-cutting issue during projects identification for all IPA II actions (under the QSG process). Their duplication in CIR is of no effect. Statistical data on IPA II funds committed during 2014/ 2015 for promoting human rights and fundamental freedoms is presented below:

⁴¹ For example, references to gender equality are included in Objectives 1-4 of the 2014-17 Multiannual Indicative Programme; and gender equality and women's rights permeate the entire 2014 and 2015 AAPs as well as the MAAP for 2016-17. Specific actions on women are also included in global calls and the CBSS in the AAPs and the MAAP.

Table 4 “Participatory Democracy/ Good Governance” Marker for commitments under IPA II 2014 and 2015

Total committed amount	3.062.705.303 €	100%
	Committed amount	
Main Objective	1.300.200.781 €	42%
Significant Objective	546.311.759 €	18%
Not Targeted	1.164.809.742 €	38%
Not Screened	51.383.021 €	2%

Source: Dashboard data IPA II for 2014 and 2015.

The figures above are addressing the Participatory Democracy/ Good Governance Marker, are thus not directly reflecting the provisions for human rights and fundamental freedoms. Based on the available data, 60% of the IPA commitments made in 2014/ 2015 are however at least significantly addressing democracy and good governance. As the available data covers only 2014/ 2015, the extent of increase is difficult to assess.

Gender mainstreaming:

Similarly as for democracy, gender equality is a built-in feature of the IPA II regulation. Therefore, it is difficult to identify an effect stemming from its inclusion into CIR. Gender mainstreaming is predominantly applied as a cross-cutting issue in the IPA II action documents.

Other measures to promote gender mainstreaming are to be introduced soon, e.g. an annex to action documents to ensure gender issues are adequately integrated into their design. These should, if properly integrated into the programming process, improve the quality of design of actions and strengthen their effectiveness.

EUDs also have focal points for some horizontal issues, e.g. gender. The extent to which they can influence programming processes in-country is not yet clear.

Based on the available data, 28% of the IPA commitments made in 2014/ 2015 are significantly addressing gender equality. As the available data covers only 2014/ 2015, the extent of increase is difficult to assess.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IcSP

The promotion of democracy, the rule of law and respect for human rights and fundamental freedoms is enshrined in the legal text of the IcSP and is central to the Instrument. It is part of the core objectives of most short- and long-term IcSP actions. IcSP commitments in 2015 are marked for 89% under the good governance.

While only 11% of actions/programmes (all articles) in 2014-2016 are coded for human rights (DAC code) and few actions have it as the main sector of intervention, human rights (and other fundamental principles) appear to be mainstreamed across actions. It is however not possible for the evaluation to comprehensively verify from the available documentation (and few evaluations this far) whether implementation of actions are effectively mainstreaming this and other principles.

Mainstreaming human rights is the subject of particular attention in programmes on counter terrorism, CVE, organised crime, and cyber security, and dedicated research included in the CT/CVE programme portfolio. DEVCO B5 has effectively been a front runner in the adoption of a rights-based approach and guidance for actions on these policy areas of the IcSP. KIs interviewed identified in fact potential adverse impacts on human rights and tensions with regard to actions related to these policy areas, as well as in actions on migration and stabilisation. In the review of Article 3 actions, the evaluators find a high potential for such

tensions in 14% of the projects, while another 28% were seen as being at risk for such tensions⁴².

Some KIs also observed that the timeframe of IcSP actions, especially under crisis response, is very short to ensure sustainable outcomes on governance, democracy or human rights.

Gender mainstreaming: The IcSP legal text acknowledges the linkages between peace, security, development and gender equality/women empowerment. IcSP commitment to the mainstreaming of gender equality and women empowerment is inscribed in the Regulation (art. 4(2)) and there is evidence that the Instrument is advancing EU's commitments on Women, Peace and Security (WPS), based on the EU Comprehensive Approach to the Implementation of UNSCR 1325 and 1820 on WPS (2008). Gender equality and women's rights are indicated as intended objectives in actions across the Instrument, noticeable in log frames (e.g. targeting women groups, youth, or especially vulnerable groups within these), in project or monitoring reports (e.g. disaggregated data) and confirmed by the feedback of key informants.

It is however not possible (like for other cross cutting issues) to objectively verify, from the available documentation, the extent to which mainstreaming is generalised, or with what outcomes. FPI.2 Gender Facility does appear to have contributed to improve the integration of gender in art.4 programmes, and should continue helping the mainstreaming of gender as it will be supporting to identify indicators for M&E purposes. The greater challenges seem to be in the more traditional security domains of support of the Instrument. Whom the IcSP supports, and what approach actions take to working on security determine the extent to which mainstreaming is done. In this regard, part of the IcSP value-added and contribution to gender equality and to advancing a gender-rights approach lies in IcSP support to non-traditional security work (other a military or 'hard security' perspective), and in engaging non-traditional security actors in this domain (e.g. NGOs, UN Women).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

INSC-II⁴³

Human rights and fundamental freedoms, the rule of law and democracy are sufficiently taken into account by the instrument's design and practice, in particular the EU's dual track approach, both during INSC-I and INSC-II. However, gender mainstreaming awareness has increased from INSC-I to INSC-II.

At a very general level, nuclear safety projects ensure *per se* the "human right on a standard of living adequate for health and well-being, both for present and future generations"⁴⁴.

INSC-I Regulation provides in its art.2, last §, that the Commission shall ensure that the measures adopted are consistent with the European Community's overall strategic policy framework for the partner country and, in particular, with the objectives of its development and economic cooperation policies and programmes adopted pursuant to articles 179 and 181a EC Treaty, which include developing and consolidating democracy and the rule of law, and to the objective of respecting human rights and fundamental freedoms. Art.4.2§3 CIR, applying to INSC-II (art.9 INSC-II Reg.), provides that the commitment, record and progress of partner countries with regard to democracy, human rights and the rule of law is one of the key determinants for general or sector budget support, which needs to take account of the political, economic and social context of the partner country, in particular its fragility. The contribution of DEVCO's external action to good governance and human rights (pillar of the

⁴² Such tensions play themselves out in several ways: (a) actions supporting beneficiary governments that are involved in military or counter-terror operations may have indirect knock-on effects on human rights, rule of law, and/or good governance; (b) actions on sensitive topics may draw interest from intelligence services of beneficiary governments and expose project participants to risks; and (c) actions may have negative knock on effects on other in-country IcSP actions (such as mediation and dialogue processes) by creating room for perceptions among some stakeholders that these dialogue efforts are aligned to security operations; d) policy objectives like disrupting illegal migration flows (e.g. in Niger) is in contradiction with EU fundamental rights principles and rights-based approach – "adding a human rights component does not make it a rights-based approach".

⁴³ Response to CIR questionnaire includes information from the main report and Annex I.

⁴⁴ EU Monitoring Programme for European Neighbourhood and Partnership Countries and INSC, AIDCO Annual Report 2009 on NS Projects, Assessment by the Monitoring Team, p. 1.

Agenda for Change) is highlighted by ECOSOC in its Opinion, in which it advocates special attention to anti-corruption and priority to the Millennium Development Goals, including human rights, labour rights, rights of women at work and in life, etc⁴⁵.

Both the INSC-I Regulation (art.14.9 INSC-I) and the INSC-II Regulation (referring to art. 8.8 CIR) oblige awarded tenderers to comply with internationally agreed core labour standards (art.8.8 CIR). ILO Conventions contain standards for gender equality, vocational rehabilitation and employment and a Declaration on Fundamental Principles and Rights, including ILO core labour standards, conventions on freedom of association and collective bargaining, elimination of forced and compulsory labour, elimination of discrimination in respect of employment and occupation and the abolition of child labour.

It is our understanding that, even though technically art.1(6) CIR (promotion, development and consolidation of the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, implying dialogue and cooperation with partner countries and regions) and art. 2(7) CIR (accessibility for disabled persons) are not expressly referred to by art.9 INSC-II Reg, their application has to be extended to INSC-II actions in line with the spirit of INSC-II Reg. and, in particular, its preamble (18).

Democracy, rule of law, respect for HRs and Fundamental Freedoms.

DEVCO's 2015 Management Plan commits to promoting human rights, democracy and other elements of good governance⁴⁶. The Project Managers of DEVCO B.5 stated that, if one takes human rights issues up to the level of the INSC's objectives, it is patent that objectives nr. 1 and 3 of the INSC (nuclear safety and nuclear safeguards) foster safe living conditions, whereas objective nr.2 of the INSC (waste management, spent fuel, decommissioning and remediation) foster safe living conditions for future generations. For the rest, they do not consider that the instrument is directly relevant to human rights issues⁴⁷. According to DG NEAR, Support group for Ukraine, this cross-cutting issue is only relevant to a limited extent. In Ukraine, information actions should be taken to strengthen the participation of citizens in projects, including project monitoring. To this end, local regulators should be encouraged to publish data on radiation. Also, corruption should be remedied⁴⁸. DEVCO B1⁴⁹ set out that it is not at all involved in DEVCO B5 projects. DEVCO B1 never receives a copy of the INSC ADs. There is no working relationship between the units. This is because INSC is considered to be a very specific instrument. Even though DEVCO B.1 acknowledged that good governance increases transparency, dialogue (including a political dialogue) and hence accountability, it held that (i) accountability of PC with the EU would be limited to the relationship EU/PC and would not stretch to civil society and (ii) nuclear safety prevails of cross-cutting good governance issues. INSC training and tutoring currently focuses on technical knowledge and should not be distracted by human rights issues. In DEVCO B.1's view, the technical nuclear safety efforts should prevail over democratic accountability. In any case, the right balance has to be struck according to the PC concerned. In this respect, INSC is considered sufficiently flexible, given that it provides a tailor-made project for each country.

It is important to highlight that the instrument plays an important role in the EU's dual track approach, whereby the EU supports civil society goals in the wake of nuclear safety negotiations under INSC, e.g. in Iran, where EU cooperation is limited to supporting civil society organisations working with vulnerable people and communities such as Afghan refugees, drug addicts or nomadic tribes⁵⁰. Similarly, in sub-Saharan Africa, the EU is

⁴⁵ Opinion of the ECOSOC on "Increasing the impact of EU Development Policy on Agenda for Change/the future approach to EU Budget Support to third countries" COM(2011)637 final and COM(2011)638 final, 31.7.2012, p. 133 and 134.

⁴⁶ DEVCO's 2015 Management Plan, Ares(2015)3297167, p. 11.

⁴⁷ Interview with DEVCO B.5, 13 October 2016.

⁴⁸ See also, interview with DG NEAR's Support Group for Ukraine 30 September 2016.

⁴⁹ Interview with DEVCO B.5, 13 October 2016.

⁵⁰ Commission Staff Working Document Accompanying the Report from the Commission to the EP and the Council on the 2015 Annual Report on the European Union's development and external assistance policies and their implementation in 2014 COM(2015) 278 final, p. 56-58.

engaging in a more integrated approach, in close synergy with the IcSP⁵¹. The QSG-2 Meeting Minutes of 2 February 2016 refer to the EU's dual track approach and acknowledge a *"potential of contributing to mutual trust through building technical cooperation"*. This was confirmed by the interview of DEVCO B.5 Project Managers⁵². They held that tackling human rights, rule of law or democracy issues need to be handled as sensitive in some PCs, e.g. in Belarus, reference is not made to the political regime in order to maintain the INSC project. Proceeding otherwise could jeopardise the entire project, as it could drastically decrease the government's willingness to participate in the project. In the medium run, this way of proceeding can foster human rights, the rule of law and democracy. In Iran, the Iran Deal started with nuclear safety but ended-up creating a political dialogue with a possibility to tackle civil society and human rights issues. One way of indirectly trying to strengthen human rights issues in this situation is by inviting the local authorities and experts to the EU for meetings, in order to expose them to EU principles, values and culture. DEVCO B1⁵³ confirmed that in Iran, the INSC Iran Deal on nuclear safety opened-up a dialogue between the EU and Iran on other issues, which would probably have not been possible if the EU would have approached Iran with human rights or democracy issues.

INSC-II. The ADs of the 2014 AAP do not contain information on Markers from the CRIS DAC Form, as opposed to the ADs 2015/2016 AAP, which all expressly provide that the general policy objective of "participation development/good governance" constitutes a significant objective of the action. The general policy objective of "participation development/good governance" refers partly to the promotion of democracy, the rule of law and human rights ("good governance") and partly to the promotion of ownership ("participation development", see above, 2). However, none of the ADs provide more detailed information on the way in which good governance was promoted.

INSC-I. One of the 5 ADs of the INSC-I Sample (nuclear safety AD for Training and Tutoring MC.03/13) refers to the "improvement of governance in the policy area of nuclear safety". To our understanding, this refers both to the promotion of democracy, the rule of law and human rights. The two spent fuel and waste ADs, i.e. AD for Tajikistan (TJ4.01/11) and AD for Ukraine (U4.01/11) surprisingly do not refer to the active promotion of democracy, the rule of law and human rights as cross-cutting issue, but mention passively that *"the project does not infringe human rights, gender equality or affect good governance in any obvious way"*. Finally, the nuclear safeguard AD for Brazil and Argentina (MC5.01/11) refers to the EU's dual track approach mentioned above as a cross-cutting issue: *"Enhanced safeguards and nuclear material accountancy and control of nuclear materials will increase the international security, in line with the corresponding current EU and global initiatives."* We note, in this context, that all INSC-I ADs refer in section "Complementary Actions" to a close coordination between the INSC and the Instrument for Stability (IfS), which currently is the IcSP, especially regarding a shared use of the IfS regional Centres of Excellence.

Gender

DEVCO's 2015 Management Plan commits to action for the economic empowerment of women⁵⁴. DEVCO adopted its Joint Staff Working Document on Gender Equality and Women's Empowerment in September 2015⁵⁵.

The EU Results Report, simultaneously covering EDF, DCI, ENI, IcSP, EIDHR, GL and INSC, states that overall, when measuring gender mainstreaming with the OECD-DAC gender marker, the target set for 2013 (i.e. 75 % of all new EU-funded DEVCO projects and

⁵¹ Commission Staff Working Document Accompanying the Report from the Commission to the EP and the Council on the 2015 Annual Report on the European Union's development and external assistance policies and their implementation in 2014 COM(2015) 278 final, p. 56-58.

⁵² Interview with DEVCO B.1, 13 October 2016.

⁵³ Interview with DEVCO B.1, 13 October 2016.

⁵⁴ DEVCO's 2015 Management Plan, Ares(2015)3297167, p. 12.

⁵⁵ Joint Staff Working Document on Gender Equality and Women's Empowerment SWD(2015) 182 final *"Transforming the Lives of Girls and Women through EU External Relations 2016-2020 Brussels"* of 21 September 2015. We note that DEVCO's 2015 Management Plan, Ares(2015)3297167 also commits to improving gender balance internally (p. 113).

programmes with a significant or principal gender objective) remained far from being met and only reached 31.3 % in 2014⁵⁶.

JRC staff provided information on a database under development with gender statistics for the Training and Tutoring projects, awarded to two consortia⁵⁷. The database is managed by the JRC in Petten. This database, entitled “Training and Tutoring Data Digest” (ANNEX 1) collects data on the trainees distinguishing age, gender, origin and position within NRA/TSO (possibly also Waste storage facilities). The trainee gender ratio for 2015/2016 was 70%male/30% female. Given that the first and second phase of the Training and Tutoring projects are completed, the database only starts as of the third phase of the projects (e.g. MC 3.01/13). The QSG was informed of the database at its Meeting of 28 January 2014, when commenting on the AD for Training and Tutoring.. DEVCO B.5 Project Managers⁵⁸ held that the instrument organises awareness campaigns to target women, e.g. female students in South-East Asia or pregnant women in Ukraine. However, none of them mentioned the database.

INSC-II. The 2014 ADs do not contain information on Markers from the CRIS DAC Form⁵⁹. The 2015 and 2016 ADs include a possibility to mark gender equality as general policy objective. All 2015 ADs state that gender equality is not targeted by the action. Surprisingly, the AD for Central Asia (Annex 3 2015 AAP) states gender equality is not targeted by the action, but marks that reproductive, maternal, new born and child health constitute a significant objective of the action. Gender equality has only been taken into account since 2016. Indeed, in 2016, 8 ADs provide expressly that gender equality (including women in development) constitutes a significant objective of the actions, i.e. AD for Armenia (Annex 1 2016 AAP), Belarus (Annex 2 2016 AAP) Ukraine (Annex 5 2016 AAP), ASEAN (Annex 6 2016 AAP), Turkey (Annex 8 2016 AAP), AD on Training and Tutoring (Annex 7 2016 AAP), the Support Measures AD (Annex 10 2016 AAP) and the Technical Support/JRC AD (Annex 11 2016 AAP). Only 3 ADs of the 2016 AAP state that gender equality is not targeted by the action⁶⁰.

INSC-I. Of the 5 ADs of the INSC-I Sample, only the two spent fuel and waste ADs, i.e. AD for Tajikistan (TJ4.01/11) and AD for Ukraine (U4.01/11) surprisingly mention passively that “the project does not infringe human rights, gender equality or affect good governance in any obvious way”.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

GD

The CIR introduces a new strong emphasis on human rights and fundamental freedoms (from no mentions in the EC 2007 to multiple mentions across CIR).

The Risk Assessment 2012 that accompanies the Action Fiche, Greenland’s risk in relation to (i) human rights, (ii) democracy (iii) rule of law and (iv) insecurity and conflict has been rated as low.

Human rights and fundamental freedoms are not mentioned in the programming documents (2007 & 2014) however the current PSDS explicitly mentions child rights in relation to the programme while this was not the case under the previous PSDS.

According to the DEVCO Programme Manager, there has been no change on this issue after 2014, as the EC does not interfere in these matters in Greenland.

⁵⁶ EU International Cooperation and Development First report on Selected Results, July2013-June2014, p. 156.

⁵⁷ Interview with DEVCO B.5, 13 October 2016.

⁵⁸ Interview with DEVCO B.5, 13 October 2016.

⁵⁹ We note, with respect to projects where the IAEA and EBRD are involved, both institutions have a tradition of commitment to gender mainstreaming (“2006 IAEA Towards a Gender Mainstreaming Plan for the Department of Technical Cooperation” and “Gender Mainstreaming Action Plan 2006-2007”; “Gender Action Plan 2009”, the EBRD’s Strategic Gender Mainstreaming Initiative 2013-2105 and the EBRD’s Strategy for the Promotion of Gender Equality 2016-2020.

⁶⁰ Annex 3 to 2016 AAP, Action Document for Chernobyl, Annex 4 to 2016 AAP, Action Document for Iran Nuclear Safety Cooperation, Annex 9 to the 2016 AAP and Action Document for Emergency Measures for the Prydniprovskiy Chemical Plant.

Gender mainstreaming is not very visible in both EC 2007 and CIR2014. While the 2007 PDS had a gender dimension (although targeting men rather than women), the new PDS is totally gender blind and contains no relevant disaggregated indicators.

The Action Fiche and the TAPs 2013 state however that, where relevant, the data will be disaggregated into gender and the AIRs 2014 and 2015 present indeed more disaggregated data than any other AIR under the previous period.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

PI

Paragraph 9 of the CIR confirms that in-line with Article 21 of the TEU, EU actions should seek to advance democracy, rule of law, human rights and fundamental freedoms. Article 20 confirms that this support can be implemented by supporting civil society and independent institutions active in this area. Article 2, paragraph 7 indicates that the design and implementation of programmes and projects should take into account access for people with disabilities, where feasible. This can be considered to be particularly relevant with regards to events and activities, where lack of disabled access would mean that the disabled would not be able to participate or the value of their participation would be severely limited. CIR Article 12 requires EFI evaluations to ascertain whether actions' specific objectives take into account gender equality, where applicable, and CIR Article 14 requires information to be gathered in relation to financial resources allocated to biodiversity and climate change.

Until 2016, actions proposed for PI funding were not systematically screened for these horizontal priorities. But our analysis of the action databases provide anecdotal evidence of the streamlining of certain priorities:

In the sample of actions which were individually evaluated, 15 actions explicitly included the promotion of human rights and fundamental freedoms in their design. Among these, five were actions under Objective 4.2 on public diplomacy and five – under Objective 2 on the international dimension of Europe 2020. Half of the PI actions taking into consideration the promotion of human rights and fundamental freedoms were in the Asia-Pacific region and two in Russia, which is significant given only three actions in this region were part of the review. The total budget of the PI actions aligning with this horizontal objective was EUR 18 m or under 10% of the total budget of the reviewed actions.

Only five actions from the reviewed sample included gender mainstreaming in their design and all were programmed in North America (four in the US and one in Canada). The budgetary envelope of these actions was just over EUR 2 m or under 1% of the budget of the reviewed PI actions.

Overall, there is no evidence to suggest that CIR goals in relation to the above themes significantly improve or hinder the delivery of the Partnership Instrument. This finding relates to the fact that, for the most part, there is limited attention paid to these aspects particularly as the PI has its own objectives (including on climate change) and a flexible interpretation of the CIR has allowed the application of those CIR relevant to the PI only on an ad hoc basis.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EDF

The answer to this question is based on three different indicators. Firstly, the OECD marker on “participatory democracy and good governance” that allows the tracking of projects targeting this area either as the “main objective” or as a “significant objective”. Secondly, an analysis of the percentage of total disbursements going into key sectors that are connected to the issues being evaluated. These sectors are also generally used when support is channelled to CSOs.⁶¹ Thirdly, the information gathered during the country visits on implementation of a rights-based approach to development.

⁶¹ Based on the information provided by DEVCO R1

Figure 5 shows a significant increase in the percentage of commitments with participatory democracy and good governance as a significant objective in the period 2010-2015. The trend is interrupted in 2014, but this could be the result of the small amount of EDF commitments made during that year. At the same time, the graph shows that the percentage of commitments with participatory democracy and good governance as their main objective has decreased, even if the 2014 data point is ignored.

The combination of these two trends suggests that the EDF might be increasingly including the promotion of democracy, the rule of law and respect for human rights and fundamental freedoms in the design of its actions in other sectors, while the volume of commitments to dedicated projects has decreased.

Figure 5 *Participatory democracy and good governance as % of EDF commitments*

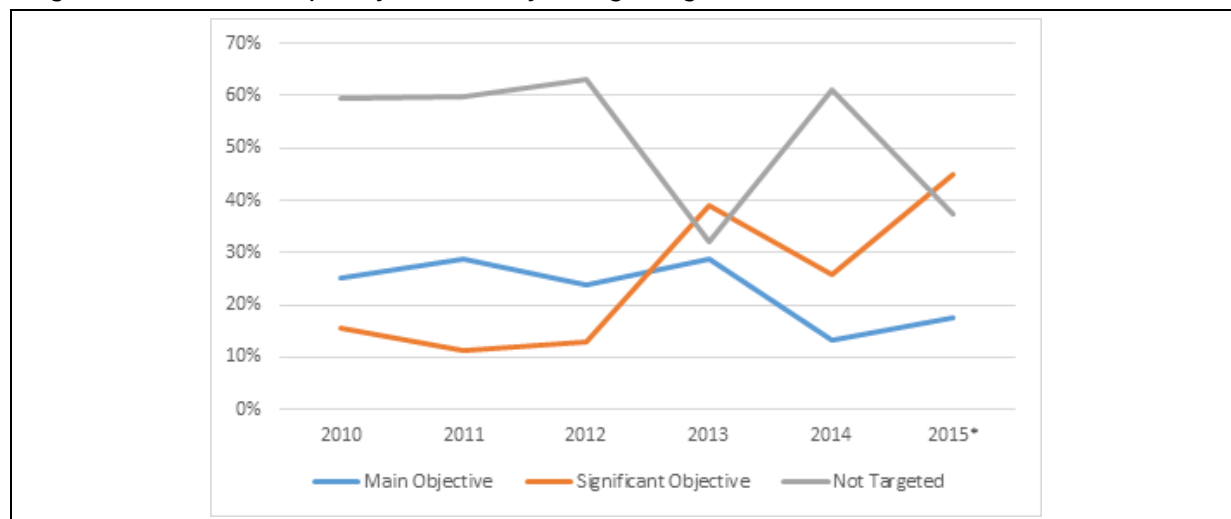
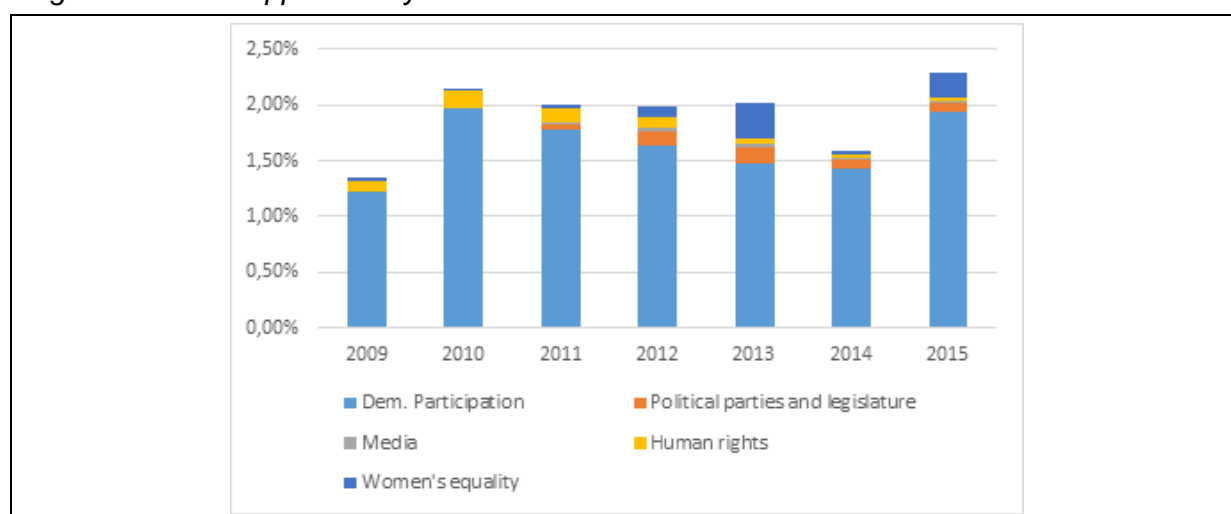


Figure 6 shows that the percentage of EDF disbursements going to a selection of key sectors remained at approximately the same level in the period 2010-2015. In 2014, it is possible to see a significant drop, the reasons for which are not clear. Unlike the previous graphs, Figure 6 is based on disbursements. Since EDF disbursements typically take place over a variable number of years after the commitment has been done, most of the disbursements reflected in the graph are the result of the 10th EDF. Thus, it is probably still too early to see the impact of any changes on the implementation rules for the 11th EDF in the volume of disbursements for these sectors.

Figure 6 *Support to key sectors in % of EDF disbursements*



Specific questions on the implementation of a rights-based approach were asked to the EU Delegation (EUD) staff during the country visits. As of the date of submission of this document, five country visits had been performed. Out of the five missions, only the one conducted in Zambia yielded relevant evidence on this specific question. Interviews

conducted in Zambia (MN 203) indicate there is little awareness about what the implementation of a rights-based approach means in practice. The EUD has requested training on human-rights-based approaches and, in the meantime, no actions were being taken in this area.

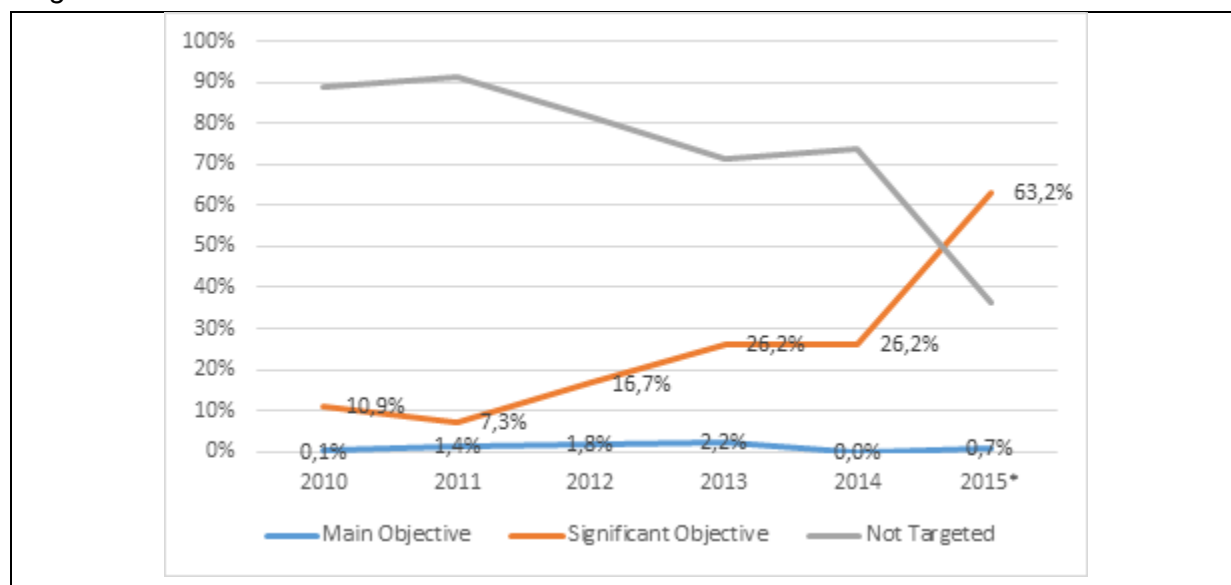
Gender Mainstreaming

The reply to this question relies on the analysis of the OECD gender marker in EDF commitments, as well as the data collected through the five country visits conducted by the EDF Performance Review team as of the date of submission of this document.

Gender has been an important element of the EU development cooperation agenda since 2007, when the Council approved a set of Conclusions on Gender Equality and Women's Empowerment in Development Cooperation.⁶² This policy and political commitment was translated, together with other international commitments in the area, into a more practical approach by the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015, which was subsequently updated and replaced by the EU Plan of Action on Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020.⁶³

Data on EDF commitments shows that the amount of EDF commitments targeting gender as a significant objective showed some progress between 2010 and 2014, and has seen a much more pronounced spike in 2015, when the volume of commitments more than doubled compared to 2014. Conversely, the amount of EDF commitments targeting gender as the main objective has remained at approximately the same level since 2010. The substantial difference in the trend of projects reporting gender as the “main” or as a “significant” objective is compatible with the idea of mainstreaming gender as a horizontal issue, which should not necessarily result in more gender projects but in a larger number of projects in other areas addressing gender issues. As discussed at the end of section, some caveats apply to the data underlying the graphs.

Figure 7 Gender as a % of EDF commitments



*Dashboard data

⁶² Council Conclusions on Gender Equality and Women's Empowerment in Development Cooperation, doc. 9561/07, 15 May 2007

⁶³ EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015, SWD SEC(2010) 265 final; and EU Action Plan Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020, SWD(2015) 182 final

From the data on EDF commitments it is not possible to assess whether the quality of the gender component in the projects has actually increased. However, evidence collected during the country visits suggests that in the three countries for which relevant data has been collected (Burkina Faso, Timor Leste and Zambia) efforts are made to mainstream gender into projects and programmes. Zambia and Timor Leste are also developing dedicated programmes on gender.

In at least two cases (Burkina Faso and Zambia) qualitative changes have taken place at the delegation that should influence the identification and formulation process in this area. The existence of a gender focal point and internal Quality Support Groups (QSGs) provide a good opportunity to mainstream gender aspects in different projects and programmes. Some challenges remain, including the capacity of some staff members to actually take gender into account in a meaningful way during programme/project design and to ensure that mainstreaming is not reduced to a box-ticking exercise in the action documents and accompanying annexes.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

1.2.3 Inclusion of criteria regarding accessibility for persons with disabilities in design of programmes and projects (article 2(7))

Evidence Summary

The fact that the CIR includes a provision about persons with disabilities is an innovation, as this dimension is generally not found in EFI Regulations. The reference is, however, very succinct and does not contain any specific guidance for implementation.

There is at this stage hardly any evidence that persons with disabilities receive adequate attention, even if their inclusion among marginalised, disadvantaged and vulnerable groups is considered. The fact that the CIR makes reference to the needs of persons with disabilities has at best had a neutral effect, i.e. it neither helped or hindered the realization of these commitments.

DCI

The fact that the CIR includes a provision about persons with disabilities is an innovation, as this dimension is generally not found in EFI Regulations.

Translating this provision into action has nevertheless remained a challenge. Annual Reports and QSG documents make scant references to persons with disabilities, who are sometimes only included among marginalised, disadvantaged and vulnerable groups.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EIDHR

The rights of people with disabilities (PWDs), including children, is included in the EIDHR as part of the scope in Article 2 1 (b) (iv) (focused on discrimination) and Article 2 (1) (x) (related to children with disabilities), but is not included as a specific priority in the list of priorities and specific objectives annexed to the Regulation. Nonetheless, there has been some support to specific projects under the CBSS⁶⁴ and PWDs will be included in the global call for proposals during 2017 (under Lot 4 – Discrimination).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

ENI

No synthetic source of information on inclusion of accessibility for persons with disabilities in ENI programmes was identified. Similarly, in none of the interviews held with HQ staff, the importance to comply with this injunction in CIR was emphasized or even invoked.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

⁶⁴ It has not been possible to do a complete scan of the list of projects under the CBSS as yet.

IPA-II

Reference to accessibility for persons with disabilities is made already in the IPA II regulation (“*vulnerable groups, including persons with disabilities, refugees and displaced persons*”).

Based on a review of IPA II action documents, reference to disabled people is usually made under minorities and vulnerable groups, however without giving specific information how the aspect of disabled persons will be addressed in the action. At this stage, no synthetic source of information on increased inclusion of accessibility for persons with disabilities in IPA II programmes has been identified. Similarly, during the interviews held with stakeholders, the importance to comply with this injunction in CIR was noted.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IcSP

Not especially relevant for the IcSP, as there is little infrastructure support under the Instrument. It may be relevant to specific IcSP actions involving infrastructure (e.g. in mine affected contexts, in assistance to refugees or victims of violence, etc). The evaluation is not assessing specific actions to extract this level of detail.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

INSC-II

Access for disabled persons is nowhere tackled by INSC Reg.s or programming. The only reference made to the importance of the rights of disabled persons is the ECOSOC opinion on DEVCO’s external action⁶⁵. According to DEVCO B.5, the instrument is not directly relevant to issues relating to disabled persons⁶⁶. However, some social projects (e.g. schools in Ukraine) are aimed at assisting vulnerable persons in civil society.

INSC-II. None of the ADs in 2014, 2015 and 2016 make any reference to access for disabled persons. INSC-I. None of the ADs of the INSC-I Sample make any reference to access for disabled persons.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

GD

Accessibility for persons with disabilities is a new concept introduced by the CIR. The programming documents (2007 & 2014) do not mention disability however. According to the DEVCO programme manager, there has been no change on this issue after 2014, as the EC does not interfere in these matters in Greenland.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

PI

There is no data collected with regards to accessibility of the disabled. We have gathered very anecdotal qualitative feedback from PI users on the effort to use premises accessible for persons with disabilities but this has not been built into project requirements (the Terms of Reference). The PI approach continues the status quo, where the disabled can be unintentionally excluded and means that the proactive stance intended is not actively pursued in most cases (as there is no specific requirement to do so in the current PI processes).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EDF

The only evidence to answer this question comes from the five case studies conducted to date by the EDF Performance Review (Aruba, Cameroon, Zambia, Timor Leste and Burkina Faso). Out of the five missions, four collected relevant evidence on how projects and

⁶⁵ Opinion of the ECOSOC on “Increasing the impact of EU Development Policy on Agenda for Change/the future approach to EU Budget Support to third countries” COM(2011)637 final and COM(2011)638 final, 31.7.2012, p. 134.

⁶⁶ Interview with DEVCO B.5, 13 October 2016.

programmes take into account accessibility for persons with disabilities. As is the case for the other elements of response, here too due to the small sample it is not possible to draw conclusions for the whole of the EDF.

In Zambia, Aruba and Timor Leste the issue of accessibility is not being considered in the design and implementation of programmes and projects. Interviews conducted in Zambia (MN 203 and 149) and in Aruba mentioned a lack of awareness about the issue. EUD staff in Zambia have experienced difficulties in getting HQ to share the policies they are supposed to implement and are awaiting additional instructions and guidelines explaining what is required.

In Burkina Faso it seems that the issue is being addressed to a certain extent, although through a different approach. The delegation understands that horizontal issues, including accessibility for people with disabilities, are better addressed by monitoring whether vulnerable people are being excluded. The concept of vulnerable people is not restricted to gender, disability or other EU horizontal issues and can include religious groups, income groups, etc. In order to monitor this, the EUD includes in all projects and programmes some funds to support CSOs to provide feedback on any excluded and vulnerable groups.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

1.2.4 Review of flexibility and speed of delivery in the field of comitology (Art. 2 (3) and Art. 3).

Evidence Summary

There is a general consensus among geo-coordination units and operational units for thematic programmes in DEVCO, FPI and NEAR that funding thresholds for exemption from Committee approval for action programmes and individual and special measures (respectively EUR 5 and 10 million) are too low, as most actions involve funding that exceeds these thresholds.

This notwithstanding, the provisions are useful in a limited way, notably for small island states (individual measures) and some small (post) emergency and LIRRD programmes (special measures). There is no evidence for a significant reduction in workload or speed of delivery that are due to these provisions.

Exemptions granted for technical amendments to action programmes and individual and special measures are found more useful in practice, although the list of qualifying reasons for such adjustments is found to be non-exhaustive.

The threshold applied to support measures (EUR 10 million) is generally found to be adequate.

It must be concluded that the CIR provisions in this regard are too restrictive to make a sufficiently significant difference in comitology procedures. The CIR does not live up to the aspiration that EU action should be responsive to evolving local needs and contribute to optimal development impact.

Interviews DEVCO, FPI and NEAR

The interviews focused on questions contained in Attachment 2 (for the chapeau team) to the CIR ToR concerning CIR provisions on the adoption of action programmes, individual measures and special measures (commonly referred to as comitology).

The interviews were mostly conducted with geo-coordination units and operational units for thematic instruments in DEVCO, FPI and NEAR. A separate interview took place with a DEVCO Committee secretariat (R5).

The following provisions were reviewed:

- Provisions in Art. 2 of the CIR refer the process of adoption of annual and multiannual action-programmes, individual measures and special measures.
- Art. 2(2) provides that these programmes and measures need to be submitted to the approval of Committees composed of representatives of Member States.

- Art. 2(3) grants an exemption from this procedure for individual measures of less than EUR 5 million and for special measures not exceeding EUR 10 million.
- Exemptions are also granted for amendments to these programmes and measures in case of (i) extension of implementation period; (ii) reassignments of funds within an action programme, and (iii) increases or reductions by not more than 20 % of the initial budget and not exceeding EUR 10 million.

There was a high degree of consistency in responses from interviewees:

- The exemption for individual measures is not much used, as the threshold of EUR 5 million is far lower than the volume of most programmes. For example, in 2015, the Latin America desk of DEVCO had only 2 cases out of a total of 16 for DCI and 5 out of 15 for EDF that benefitted from this provision (mostly small island countries). The exemption does not reduce the workload, as Committees need to be informed ex-post (the only saving being on the effort of translations that are not required).
- Special measures are usually required for (post) emergencies. A similar situation exists here, as most funding proposals by far exceed the threshold of EUR 10 million.
- The provision in Art. 3 allowing for increases / decreases in programme funding without Committee funding is generally found to be more useful, although there is also a sense that the list of permissible exemptions is not very exhaustive.

The interviews also touched upon the provision in Art. 3 of the CIR granting an exemption from Committee approval for support measures (e.g. studies, meetings, research activities, information and communication actions), for which there is a threshold of EUR 10 million. This was generally found to be adequate.

1.2.5 Accountability and monitoring and evaluation (Art 12 (1) and Art. 17)⁶⁷

Evidence Summary

The CIR provision to strengthen monitoring of actions contributed to the introduction in 2015 of a comprehensive Results Framework in DEVCO. The DEVCO Results Framework is not entirely satisfactory for FPI and DG NEAR, as they deal with programmes and projects outside traditional developing countries (PI, ENI, IPA-II).

The provision in the CIR that evaluations should be carried out on the basis of *pre-defined, clear, transparent and, where appropriate, country-specific and measurable indicators* (Art. 12(1)) contributed to strengthening monitoring and evaluation in DEVCO. The DEVCO Results Framework launched in 2015 provided a more solid basis not only for monitoring and reporting, but also for the establishment of baselines and common performance indicators for evaluation. FPI and NEAR require adjustments for their programmes, as DEVCO indicators are still to a certain extent LDC focused and also do not meet all SDG requirements.

The CIR also contains the requirement of a mid-term review of the MFF 2014-2020 (Art. 17) covering parameters that have been integrated in the ToR of the current set of evaluations of the EFIs, including the CIR itself.

Interviews DEVCO, NEAR, FPI

Monitoring and Evaluation (Art. 12 (1))

The CIR contains a detailed provision on monitoring and evaluation (Art. 12 (1)). The Commission is required to monitor its actions and review progress made towards delivering expected results, covering outputs and outcomes. Independent external evaluations should assess the impact and effectiveness of sectoral policies, actions and programming. Evaluations shall be carried out on the basis of pre-defined, clear, transparent and, where appropriate, country-specific and measurable indicators.

The CIR provision to strengthen monitoring of actions contributed to the introduction in 2015 of a comprehensive Results Framework in DEVCO. The DEVCO Results Framework is not

⁶⁷ See also 1.2.6 with responses on monitoring and evaluation from the EUD survey.

entirely satisfactory for FPI, as it deals with programmes and projects outside traditional developing countries (e.g. with the PI). Certain indicators (e.g. use of bednets, literacy) are not considered to be relevant for programmes run by FPI. FPI is therefore developing its own Results Framework with a focus on appropriate qualitative indicators at outcome and impact levels.

NEAR experiences similar challenges with the DEVCO Results Framework in countries covered by ENI and IPA. ENI uses the DEVCO Results Framework, but a revision is required to reflect SDGs and lessen emphasis on LDC relevant indicators. IPA has developed its own set of indicators, which is strongly related to pre-accession conditionalities, e.g. with proposed “performance rewards” in the form of funding incentives in exchange for good performance. Since its creation at the beginning of 2015, NEAR has developed its own evaluation function. This has been done because of a felt internal need, not so much in response to the CIR.

DEVCO has a long-standing tradition of evaluating development programmes with a focus on actions in geographical areas (countries) or on thematic areas. Evaluations were transversal and not limited to actions under single EFIs. Before 2014, the establishment of baselines and indicators was not systematically required, resulting in a certain diversity among evaluations, as far as basic parameters were concerned. The requirement in the CIR that evaluations should be carried out on the basis of *pre-defined, clear, transparent and, where appropriate, country-specific and measurable indicators* (Art. 12(1)) was innovative and part of a general call in the European Parliament and Council for enhanced results-based management. It led, inter alia, to the establishment of the “EU International Cooperation and Development Results Framework in 2015⁶⁸ with attention for monitoring and became incorporated in the Better Regulation Guidelines⁶⁹ in 2015, which provided guidance to inter alia evaluation. Both these frameworks led to an adjustment of DEVCO evaluation practice.

Mid-term Review and evaluation of the Instruments (Art. 17)

The CIR contains the requirement that by 31 December 2017, a mid-term review report shall be submitted by the Commission on the implementation of each of the Instruments and of the CIR itself. The report is to cover aspects that have been integrated in the Terms of Reference of the current evaluations of EFIs. (N.B. no mention in the CIR that a mid-term evaluation of EFIs is required. Art. 17 (1) only requires a final evaluation report on the period 2014-2020).

1.2.6 How could the CIR be simplified? In what ways? Does the CIR meet current and future implementing needs of the instruments? Are there any unintended benefits / problems arising from the CIR?

N.B. The compilation of responses to the EUD survey (Part I, Section 9) only focuses on adoption of action programmes and measures as well as monitoring and evaluation.

Evidence Summary

- Adoption of action programmes, individual measures and special measures (Art 2)

A significant number of EUDs find current rules for the adoption of action programmes and measures too laborious and time-consuming (up to 1,5 – 2 years between identification and contracting). Among the proposals to shorten delays and increase responsiveness to changing local conditions are a) more devolution of responsibilities to the field; b) more multi-annual programmes; and c) only one QSG meeting instead of two.

- Monitoring and evaluation (Art. 12)

Several EUDs find rules on monitoring and evaluation adequate. Proposals to simplify include the suggestion to more closely involve the EUDs and also avoid costly use of external consultants.

⁶⁸ Commission Staff Working Document SWD (2015) 80 final, EU International Cooperation and Development Results Framework

⁶⁹ {COM(2015) 215 final} {SWD(2015) 111 final}

SURVEY RESPONSES Part I (Section 9) - Adoption of action programmes and measures; monitoring and evaluation

Could these rules be simplified for the DCI / EDF? In what way?

<i>Responses</i>
DCI countries
- Contractual templates should allow for a clear listing of the Countries eligible at procurement/CfP stage as well as at Contracts' implementation stage.
M& E: greater flexibility in using evaluation under a single AAP to evaluate the scope of the AAP
reduce the time of the approval process at HQs
Rules should more recognize the local context and provide flexibility to adapt to the reality on the ground.
Yes. On 1 - More devolution of decision making, powers on non-substantial issues to Delegations
further simplification would not be recommended as the instruments would lose in quality of formulation and implementation.
For point 1, as explained earlier the reduction of QSG meetings to only one for most of the action documents would be a great time-saver. Only for exceptional cases it would the 2 QSG meetings remain. For point 4, concerning the monitoring scoring, it is a bit limited to have only 3 possible levels. A return to 4 levels would be more convenient because sometimes it is difficult to fit with the criterion marking.
The AAP calendar is too tight for proper implementation of programmes in evolving political situation.
Elimination of Quality support group 1 when dealing with follow up projects. This would reduce the time needed for Financing decision allowing for a swifter reply. Increase threshold of max 20% for non-substantial riders to not more than 35%. Implementation modalities should not only be related with proposed activities but also take into account country context, especially on with close to none iNGOs, limited MS agencies.
Monitoring and evaluation with our rules is not a concern.
1. Mandatory to have only one QSG1 and one QSG2 for AD to be included in AAPs. 4. Generally speaking, more (internal) monitoring, less evaluation, please. It appears that we, the Commission, are often just 'going through the motion' and have stopped asking ourselves why we do the evaluations and how we can ensure that they add value and do not simply interrupt our work. ROMs can be helpful but the scoring system is too subjective and hence not very informative in the end.
Monitoring and evaluation procedures have been improved in the last years and it seems necessary to keep the process.
On point one simplification would be desirable.
There should be less steps between the first concept note and the final decision.
Aspects to be considered include for example the dichotomy between regional and bilateral instruments (action that falls outside of the MIP are not sustainable) and the pluri-annuality of the budget (bi-annual cycle of action programming)
reducing time of from adoption to start of implementation would be an advantage.
The comitology in place directs the adoption of action programmes and measures and simplification in this regard notably through the necessary Quality Support Groups seem limited. The rules for evaluation and monitoring are in my view sound and necessary.
Adoption of programmes continues to be too long despite the simplification exercise, usually 18 months average Rules on taxes are often unclear to companies (not only VAT, also import duties, corporate tax, etc). In a context where we do budget support extensively, rules of taxes for projects have somewhat loss its meaning
Taking account of the specificities of the SIDs, geographical situation and proper capacities.
Yes, shorter adoption procedures. Less involvement of HQ processes.

<i>Responses</i>
Revision of action documents should be simplified.
1. More regular QSGs
EDF countries
1. To summarize, comitology rules must be simplified dramatically! M&E should be reinforced notably by proper initial design and adequate staffing
1. Shorter time frame through further devolution 4. Stronger focus on outcome and impact.
Multi-annual envelopes per country will add flexibility and would allow for better planning. Would also allow for larger and longer projects that would increase predictability and enhance a more structural approach while reducing the workload of Delegations and reducing the administrative costs.
Relevance and added value of ex-post ROM questionable (vs ex ante or final evaluation).
The current rules are suitable for the purpose.
Challenges appear mostly in implementation and not in the instruments themselves.
Avoid changing the rules every 6 months (DEVCO companion) Translate templates in French, especially for contractual documents
Put more focus/resources on facilitating project monitoring by programme managers rather than short, generic monitoring missions by external persons not familiar with local context and/or intervention sector.
In terms of action programmes need to focus more on complimentary actions to the EDF programme.
EUDEL to be closely involved in the preparation of the DCI Action programmes, particularly when it requires direct involvement of the Delegation in the management and implementation of the grant. Multi-country projects should only involve neighbouring countries.
Given that we are in a "crisis situation" in this country - these do not really apply to us. They are certainly not issues identified by colleagues as posing a heavy burden.
Involvement of Delegations in contracting and managing at delegation level
Evaluation trop lente des projets, n'associant pas assez la DelUE sur le terrain, risquant de mettre en péril la continuité des actions.
Yes - however any simplification usually has the opposite effect - procedures become more elaborate and refined.
complex application process is not justified for low-value grants. late adoption of AAP (after April) is not conducive to smooth Call for Proposal procedures, with tight deadlines for contracting and difficult pooling of funds
Kindly refer to the comments made earlier on the recent exercises conducted to simplify and harmonise procedures across the board, i.e., various instruments and different phases of the operations cycle.
Simplify templates for the identification phase. Identification documents should be limited to a few essential points in a 2-3 page document in order to have an exchange between HQ and Delegations very early in the process.
Plus qu'une simplification, il conviendrait de raccourcir les délais. On adopte des Programmes d'action qui aboutissent à des premiers contrats entre 1,5 et 2 ans après. Ceci est préjudiciable car les conditions au niveau local ont souvent déjà évolué et quelque chose qui était "urgent" pour résoudre une situation devient obsolète. Sur le plan du monitoring et de l'évaluation, nous devons souvent confier ces tâches à des tiers par le biais de contrats cadres qui nous coûtent très cher pour des résultats souvent décevants. Il me paraîtrait plus opportun de pouvoir organiser plus de missions sur le terrain des chargés de programmes pour effectuer ce suivi. La difficulté est de trouver le temps dans une période où les RH sont en phase de compression avec des tâches journalières en constante augmentation.
Auditing across the instruments is laborious, expensive, time consuming and - most importantly - produces sub-optimal results. Auditing smaller amounts with weaker partners needs to be streamlined and regular, with auditors also exercising pedagogy towards partners. Tendering for small Technical assistance contracts should be simplified to encourage individuals to be able to apply without passing through companies which are often

<i>Responses</i>
no more than CV-banks, which increase the prices considerably without necessarily improving the quality.
more use of flexible procedures - direct decisions and direct awards rules are unclear
1- Multi year programming 4. Clarify the responsibility in launching M&E and budgetary allocations.
1. un pays ACP normalement n'est concerné que de façon marginale. la delegation n'est pas concernée au niveau global mais uniquement au niveau des projet. A ce sujet il serait opportun prévoir un tableau de reporting qui reprenne le cadre logique et le plan opérationnel.

Does the CIR meet current and future implementing needs of the instruments?

<i>Responses</i>	<i>Comments</i>
DCI bilateral countries	
In general terms they do.	9 countries
They make implementation sometimes cumbersome and inflexible.	
Yes. Although very heavy processes, the scope of DCI rules are allowing the performance of EU Cooperation, thanks to the dedication and efforts of the EU staff both at Delegation and HQ level.	
The future implementation needs of the DCI instruments may possibly be reviewed in the course of the forthcoming Mid Term Review of 2017.	
The implementing needs were only partially met due to staffing issues and weakness in the capacities of the beneficiaries.	
Les règles du DCI sont éloignées des besoins du terrain et bénéficient rarement d'un feedback a) ni des partenaires/ bénéficiaires locaux du projet, b) ni des opérateurs (ONG) du projet, c) ni de l'expertise de la Délégation de l'UE.	
EDF countries	
Yes	13 countries
Present rules? No. Improvement is really need for better efficiency and effectiveness.	
The impact of these aspects are difficult to evaluate.	
Yes, but simplification and extent of government cooperation to be investigated.	
Further improvements needed to meet needs entirely.	
Internal monitoring and evaluation needs could be clearly spelled out in our calls for proposals.	

Are there any unintended benefits / problems arising from the CIR?

<i>Responses</i>	<i>Comments</i>
DCI countries	
Sometimes objectives cannot be met because of purely procedural reasons.	
Specific issue on rule of origin for purchase of cars resulting in partners renting cars which is more expensive.	
The widening of nationality and origin have advantage of increasing competition, to the detriment of EU businesses.	
ROM - a welcome tool, but the revised exercise has become more burdensome. 1. Especially the thematic programmes are often very important for CSOs/LAs to survive and do good work in the field. 2. Weak financial management of many SCOs/LAs and complicated contract modalities combined with strict audit rules can lead to huge financial recoveries from these entities, meaning potentially the end of the organisation.	
Risk of fraud reduced by existing contracting procedures but cost is heavy bureaucratic load.	

<i>Responses</i>	<i>Comments</i>
1. Often too much emphasis on focusing and narrowing the scope and coverage of interventions because colleagues at HQ find it to challenging to manage complexity.	
Yes. Given the heavy processes, there is a need for limited discretionary fund for urgent, local initiatives, which should have a maximum of ongoing projects (3 for instance).	
Some rules limit flexibility and the potential to respond quickly and effectively to country needs.	
None in my view. However, our internal rules should insist on the development of results / rather than activity based projects with emphasis placed on the logical framework. This trend should be increase in my view.	
The slow and complicate implementation	
One of the benefits arising from these rules is the improving of the level of the financial and operational management of the project by the beneficiaries.	
Except for the comitology, not directly linked to the instrument.	
The complexity of some of the rules can lead to ineligible expenditure, which often generates difficulties in relations with the partner countries. Increased centralisation may avoid some issues in countries with high perceived levels of corruption.	
-	
EDF countries	
Delays in implementing while processing tax exemption demands.	
Lack of efficiency and high burden on delegations.	
Problems in implementation of above mentioned rules.	
Problems originating from a centralised formulation of the AF and the decision to attribute the management of the decision to the EUDEL.	
Le DCI crée des problèmes inattendus, contraires à l'esprit initial de l'action : pas d'appropriation par les autorités locales, pas de cohérence avec la politique d'aide de l'UE dans un secteur donné (car Del UE et autorités locales non associées), pas de possibilités d'adaptation du projet en cours de route; pas d'anticipation quand le projet va s'achever: pas de continuité quand le projet est fini...	
Aucun bénéfice particulier mais quelques difficultés déjà mentionnées ci-dessus concernant les taxes.	
Difficulty in recruiting individual experts directly because of our complex and demanding tender dossier.	
M&E	
unintended benefits: synergies avec les actions en cours par le FED. le DCI est parfois un levier inattendu sur des secteurs où le FED n'est pas present. Unintended problems: surcharge de travail pour la delegation, manque de connaissance des sujets abordés par la delegation, impossibilité de suivre correctement	
Problems: Potential non eligible expenditures if the entity cannot justify its tax exemption satisfactorily. Idem with rules of origin.	

1.3 EQ 3 on coherence

To what extent have the implementing rules enhanced coherence, complementarity, synergies and added value between individual instruments, and across the set of instruments as well as more coordinated forms of working?

N.B.

The CIR contains only a very brief explicit reference to coherence, complementarity and synergies in its Preamble (paragraph 8). The provision places coherence and complementarity into the context of the most efficient use of available resources to optimise

the impact of the external action of the Union as well as, where appropriate, the leverage effect of the instruments. Reference is also made to the creation of synergies between the Instruments and other policies of the Union in view to achieve mutual reinforcement of the programmes under the instruments.

To what extent the CIR contributes to the achievement of impact has been covered under EQ 2 on effectiveness. Efficiency aspects are dealt with under EQ 4 and effects on leverage under EQ 5. Under this EQ, coherence and complementarity between EFIs (internal coherence) are considered through two proxy indicators: a) Annual reporting to the European Parliament and Council (Art. 13); and b) promoting visibility Preamble paragraph 11 and Art. 4 (5). More coordinated forms of working (external coherence) are assessed with two other proxy indicators: a) use of country systems (Art. 4 (2)); and c) involvement of stakeholders in beneficiary countries (Art. 4 (11) and 15).

4.1 Annual reporting to the European Parliament and Council (Art. 13)	
Main findings <ul style="list-style-type: none"> • The CIR requires submission to the European Parliament and the Council of a consolidated Annual report, as from 2015, concerning all of the EU's external financial assistance. • The reporting requirements are very detailed and cover achievement of the objectives of all EFIs by means of indicators, measuring the results delivered and the efficient of the individual EFI. • The CIR requirement gave a boost to internal coherence. • The Annual Report was considerably delayed. Strength of the evidence base: <i>Strong</i>	Main sources of information: <ul style="list-style-type: none"> • Interviews with DEVCO/06, NEAR/A3 and FPI/1
4.2 Promoting visibility (Preamble paragraph 11 and Article 4(5))	
Main findings <ul style="list-style-type: none"> • References to EU visibility in the CIR remain at a fairly general level. They only seem to provide the legal underpinning to common practice that has existed at least since 2010⁷⁰. • EAMRs and responses to the EUD survey show comprehensive efforts by EUDs to ensure EU visibility not only through the organisation of public events, but also through social media and by obliging contract partners to make references to the EU. • At Headquarters level, there are challenges to make international organisations (e.g. the World Bank, UN organisations) fully compliant with EU visibility requirements. • The EIDHR evaluation reports cases, where visibility would be highly dangerous and expose beneficiaries to considerable risk. Strength of the evidence base: <i>Strong</i>	Main sources of information: <ul style="list-style-type: none"> • Responses to question 2 of the questionnaire by the EFI evaluation teams • Interviews with DEVCO/02, NEAR/A04 and FPI/1 • Survey responses Part I Section 6
3.1 Use of country systems (Art. 4 (2))	
Main findings	Main sources of information:

⁷⁰ COMMUNICATION AND VISIBILITY MANUAL for European Union External Actions 2010

<ul style="list-style-type: none"> • General and Sectoral Budget Support are the prime drivers of the use of country systems. • Budget Support fosters coherence and complementarity through policy dialogue • On the use of country systems, the CIR mostly just endorsed the innovations introduced to Budget Support since 2013 rather than having been the driver of change <p>Strength of the evidence base: <i>Strong</i></p>	<ul style="list-style-type: none"> • Responses to question 2 of the questionnaire by EFI evaluation teams
3.2. Involvement of stakeholders in beneficiary countries (Art 4 (11) and 15)	
<p>Main findings</p> <ul style="list-style-type: none"> • The best examples of coherence and complementarity between governmental and non-governmental support and even between EFIs are in the area of involvement of CSO stakeholders. • Such interfaces have been a long tradition and there is no evidence that provisions in the CIR (Art 4 (11) and 15) influenced or modified these practices or provided additional incentives. <p>Strength of the evidence base: <i>Strong</i></p>	<p>Main sources of information:</p> <ul style="list-style-type: none"> • Responses to question 2 of the questionnaire by EFI evaluation teams

1.3.1 Annual reporting to the European Parliament and Council (Art. 13)

Evidence Summary

The CIR requires submission to the European Parliament and the Council as well as to the European Economic and Social Committee and the Committee of the Regions, of a consolidated Annual report, as from 2015, concerning all of the EU's external financial assistance. The report hence needs to draw together information from, inter alia, DEVCO, EFI, NEAR, EEAS and ECHO. The reporting requirements are very detailed and cover achievement of the objectives of all EFIs by means of indicators, measuring the results delivered and the efficiency of the individual Instruments. A considerable level of detail is required, e.g. information on the involvement of relevant partners, the implementation of budgetary commitments and of payment appropriations broken down by country, region and cooperation sector. The report is also to assess, where possible and relevant, the adherence to aid-effectiveness principles, including innovative financial instruments (Art. 13).

The CIR resulted in the discontinuation of the Annual Report of DEVCO only that had been the practice until 2014. An extensive consultation between above-mentioned directorates and services took place throughout 2016 for the compilation of the data that would feed into this report. For reasons mentioned in the section on Monitoring and Evaluation (see 3.4.5), this proved more challenging than expected and resulted in a considerable delay in the publication of the report, which only occurred in December 2016. The exercise did, however, provide a boost to internal coherence concerning the EFIs.

Based on interviews with DEVCO/02, NEAR/A2 and FPI 1

1.3.2 Promoting visibility (Preamble paragraph 11 and Art. 4 (5))

Evidence Summary

References to EU visibility in the CIR remain at a fairly general level. The CIR provides the legal underpinning to common practice that has existed at least since 2010⁷¹. Guidelines on visibility are to be revised in 2017.

EAMRs and responses to the EUD survey show comprehensive efforts by EUDs to ensure EU visibility not only through the organisation of public events, but also through social media and by obliging contract partners to make references to the EU. At Headquarters level, there are challenges to make international organisations (e.g. the World Bank, UN organisations) fully compliant with EU visibility requirements.

In some cases, there is a tension at partner country level to reconcile the goals of national ownership and EU visibility. The EIDHR evaluation reports cases, where visibility would be highly dangerous and expose beneficiaries to considerable risk given the shrinking space for civil society (including laws forbidding CSOs from receiving any foreign funding) and where the rules are not applied. This is, however, permissible under Art 4 (5) of the CIR, which allows for exceptions under certain circumstances.

DCI

EAMR reporting shows comprehensive efforts by EUDs to ensure EU visibility not only through the organisation of public events, but also through social media and by obliging contract partners to make references to the EU. There is no mention in the reports that this was done because of the CIR.

Other measures at HQ level to increase EU visibility cannot be considered attributable to the CIR, e.g. the organisation of European Development Days in June every year and the European Year of Development 2015. Furthermore, there are clear guidelines (to be revised next year for all DGs) on EU visibility provisions to be included in all contracts and framework administrative agreements with international organisations, e.g. the WB and the UN. These are processes are in compliance with, but largely independent from the CIR.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EIDHR

Visibility requirements are adhered to when appropriate. However, there are aspects of support under the EIDHR – particularly to HRDs at risk and support under the Human Rights Crisis Facility⁷² - where visibility would be highly dangerous and expose beneficiaries to considerable risk given the shrinking space for civil society (including laws forbidding CSOs from receiving any foreign funding) and where the rules are not applied. This is permissible under Art 4 (5) of the CIR, which states that:

‘When providing the Union's financial assistance as referred to in paragraph 1, the Commission shall, **where appropriate**, take all necessary measures in order to ensure the visibility of the Union's financial support. Those shall include measures imposing visibility requirements on recipients of Union funds, **except in duly justified cases**. The Commission shall be responsible for monitoring recipients' compliance with those requirements.’ (emphasis added).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

⁷¹ COMMUNICATION AND VISIBILITY MANUAL for European Union External Actions 2010

⁷² Managed by DEVCO B1, the human rights crisis facility is a relatively recent mechanism (set up in its current form under the 2015 AAP) that is based on lessons learnt under the previous EIDHR, where there was a recognition of the need for the possibility of providing direct project grant awards to CSOs outside of the CBSS and global call for proposals in countries where such calls would be inappropriate or impossible or where these funding streams would put organisations and individuals at risk. The Crisis Facility has an annual financial envelope of EUR 3.5M, and can award direct grants of up to EUR 1M for a period of up to 18 months.

ENI

The CIR has not introduced supplementary visibility efforts in direct and indirect management, as they do not provide specific instruction or implementing modalities. The existing guidelines are still used by EUDs and projects to promote visibility. A greater visibility is expected from the EUTFs, linked to their focus on emergency situations (refugees), or issues highly sensitive for EU country and citizens (migration). The CIR article 4(5) is very general: *“When providing the Union's financial assistance as referred to in paragraph 1, the Commission shall, where appropriate, take all necessary measures in order to ensure the visibility of the Union's financial support. Those shall include measures imposing visibility requirements on recipients of Union funds, except in duly justified cases. The Commission shall be responsible for monitoring recipients' compliance with those requirements.”*

Reduction of the chronic deficit of EU visibility in indirect management is addressed in FR revised in 2015 (interview NEAR R). The costs associated to visibility in programmes managed by international organisations, non-EU development banks, and bilateral agencies are now indirect costs, thus paid only if the visibility requirements have been effectively met by the programme. According to some of our interviewees, this change was clearly perceived by international implementers and EU visibility is on the increase for indirect management too.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IPA-II

The IPA II Implementing Regulation makes explicit reference to communication and visibility (e.g. Art. 24, 25 and 42). The visibility and communication activities to fulfil the requirements on information, publicity and transparency are also in accordance with Art. 10, 24 and 25 of the CIR. All this should help to ensure a more appropriate visibility of the IPA II programme.

Building on experience from IPA I (and other previous pre-accession programmes), improving the promotion of EU-funded or EU-related activities, raising awareness, improving the understanding of the EU policies and processes and showing results and impacts of IPA assistance on the ground are considered key elements for IPA II performance. Communication and visibility efforts funded under IPA constitute a key element of the EU's enlargement strategy for the benefit of *inter alia* the Western Balkans countries and Turkey as prospective Member States. The EU deems the communication activities of the highest importance for obtaining public and political support for reforms geared towards meeting the conditions for EU Membership and enhancing the credibility of the enlargement process in the candidate countries. The CIR has not introduced supplementary visibility efforts in direct management. The existing guidelines are still used by EUDs and projects to promote visibility. A greater visibility is expected from the EU Trust Funds, linked to their focus on emergency situations (refugees), or issues highly sensitive for EU countries and EU citizens (migration). CIR also supports the aim to reduce the deficit of visibility in indirect management, particularly when it comes to the involvement of international organisations. The costs associated to visibility in programmes managed by international organisations are now indirect costs, thus paid only if the visibility requirements have been effectively met by the programme. According to some of our interviewees, this change was clearly perceived by international implementers and EU visibility is on the increase for indirect management too.

However, it has been acknowledged that EU visibility is not as strong as the visibility of other international organisations (e.g. USAID) due to its uneven communication (not being able to present simple, understandable messages to the citizens in both EU MS and beneficiary countries). This is a major weakness of the EU operations in the Western Balkans and Turkey. Such weakness does not relate to the specific visibility and communication measures included in the projects/ actions/ programmes of IPA II (to which the provisions of the CIR are contributing). It relates rather to the wider – horizontal – visibility/ communication activities of the EU in the region and it is of a rather qualitative nature (not primarily a matter of amounts spent for communication and visibility). An enforced communication and information strategy shall tackle all these issues more systematically under IPA II.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IcSP

EU visibility provisions were already a contractual requirement (e.g. in all contracts and financing agreements with UN agencies or international organisations), before the CIR made it a legal requirement. Possibly because of that, the emphasis on visibility under IcSP actions seems to be greater.

Given the nature of the Instrument and the crisis affected contexts where it operates, context sensitive approaches to EU visibility are especially important for the IcSP. They should be driven primarily by what best serves the objectives of the IcSP action and the EU strategy in country. Tensions between greater emphasis on visibility and the principle of promoting local ownership have been noted.

Presence on the ground (where actions are implemented, and not just in partner country capitals) and frequent interaction with local stakeholders was mentioned by several KIs as the most effective visibility strategy – one that requires investment in human resources.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

INSC

INSC-I Reg. does **not** provide for any **rules on visibility**. Art.4.5 CIR, which applies to INSC-II (art.9 INSC-II Reg.), fosters **visibility for EU financial support**, including visibility requirements on recipients of EU funds.

Similarly, whereas the INSC-I Revised Strategy Paper 2010-2013 and the INSC-I Indicative Programme 2010-2011 do not provide any visibility measures, the Strategy Paper 2014-2020 expressly states that *“special attention will be paid to the visibility of the actions under this Strategy”*⁷³.

Importantly, in 2014, all ADs foresee an **explicit amount of the budget for communication and visibility within the AD’s budget**, whereas in 2015 and 2016, the ADs do not foresee such explicit amount but foresee that a **separate budget decision is to be taken on communication and visibility outside of the AD’s budget**.

The Summary AAP of 2014 has a special chapter on Communication and Visibility, which stipulates the following: *“Visibility activities will be implemented according to the EU visibility guidelines for external actions. These guidelines are a part of the contractual obligations of implementing partners/Contractors and must therefore be carried out in the same way as any other contractual element. On a regular basis, the Contractors will submit Progress Reports to the European Commission, to the Project Partner, the European Commission Delegation in the Partner Country, the Joint Research Centre and the European Commission Monitoring Team. Particular attention will be paid to the confidentiality of the data. Other actions to disseminate results or increase the visibility of the EU action may be implemented in parallel to the present project.”* This paragraph is **literally copied in the special section “Communication and Visibility” of the 7 ADs of 2014**. The said ADs also foresee other deliverables dedicated to visibility (e.g. an inception press release at the start-up of the project, a final press release to be provided with the project final report, a final presentation meeting for the dissemination of the project results organised by the Consultant).

The Summary AAP of 2015 has a special chapter on Communication and Visibility, which reads as follows: *“Communication and visibility of the EU is a legal obligation for all external actions funded by the EU. This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation of the corresponding projects. In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements. The Communication and Visibility Manual for European Union External Action shall be used to*

⁷³ Commission Implementing Decision COM(2014)3763 of 13.06.2014 on a Strategy for a Community Cooperation Programme on Nuclear Safety (2014 – 2020), p. 7.

*establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.*⁷⁴ This paragraph is **literally copied in the special section “Communication and Visibility” of the 21 Annexes to the ADs of 2015 and 2016**. It recommends including appropriate contractual obligations in, respectively, the financing agreement, procurement contracts, granting contracts and delegation agreements and imposes the use of the Communication and Visibility Manual for European Union External Action to establish the Communication and Visibility Plan of the Action and the appropriate

Visibility has often been at the heart of the debate in QSG meetings on the instrument, more so under INSC-II than INSC-I:

- In the QSG-D meeting of 24 May 2012, it was concluded that splitting various individual actions that had previously been merged (e.g. AD for Brazil and AD for Mexico into one single AD for Latin America) would increase the visibility of the individual actions.
- At the QSG Meeting of 28 January 2014, DEVCO B.5 stressed, with respect to AD for Central Asia (management and remediation of high risk uranium legacy sites in Central Asia), that the EU is the sole contributor to the EBRD multi-donor trust fund but expects that this leading role will attract new donors. In the Minutes of the same QSG Meeting, it is emphasized that the AD for Training and Tutoring (multinational and regional training and tutoring of experts of the National Regulatory Authorities and their Technical Support Organisations for developing and strengthening their regulatory and technical capabilities) has a high priority for the INSC and will continue because it allows EU to be present and visible worldwide.
- At the QSG Meeting of 24 February 2015 DEVCO requested increased visibility in relation to AD for Central Asia (urgent measures for the management and remediation of high risk uranium legacy sites in Central Asia). Indeed, DEVCO requested EEAS to include information on this project in their agendas, especially when addressing the area in order to raise awareness, and get beneficiary countries commitment and feedback. It appears from the same Minutes that the Chair suggested, with respect to the AD for Safeguards (transfer of EU nuclear safeguards methodology to third countries), to include a paragraph on visibility and on the importance of the action.

The DEVCO B.5 Project Managers⁷⁵ held that, in practice, visibility is taken care of. However, visibility and communication is time-consuming and DEVCO B5 has a problem of staffing resources. On the one hand, micro-level visibility activities have increased, e.g. an EC stand at the IAEA conference, with EU merchandising (backpacks, pencils, etc.) The IAEA and the EC prepared videos, either separately or jointly. On the other hand, specific actions can provide strong visibility to the Instrument and the EU, i.e. results, which allow for visibility actions, e.g. the safe confinement in Ukraine. These actions are part of DEVCO’s strategy at international level. There used to be an official in DEVCO in charge of communication, who stopped two years ago and whose post was not replaced. Maria Castaldi (DEVCO B.5, IcSP, Fight against other Global Threats) is in charge of communication for all EFIs in DEVCO. All Project Managers agreed that, in Ukraine, JSO is very active in visibility actions. Finally, they held that a right balance needs to be found between promoting ownership, on the one hand, and EU visibility, on the other hand. It should be avoided that excessive attention to EU visibility backfires on the promotion of ownership.

DG NEAR, Support Group for Ukraine, referred to DEVCO O2’s Manual on EU visibility guidelines for external action and confirmed that the EU is particularly visible in Chernobyl⁷⁶. In their opinion, INSC-II was able to enhance visibility compared to INSC-I due to the Chernobyl anniversary and the new arch, as both events were used to foster EU visibility.

DEVCO O2⁷⁷ explained in an interview that it consults with the Council and coordinates the drafting of the Communication Chapter of the Annual Report. It used to only report on

⁷⁴ We have not had Access to the Summary AAP of 2016.

⁷⁵ Interview with DEVCO B.5, 13 October 2016.

⁷⁶ Interview with DG NEAR’s Support Group for Ukraine 30 September 2016.

⁷⁷ Interview with DG DEVCO O.2 30 September 2016.

DEVCO instruments in the past but now also reports on instruments that are not done by DEVCO but stem from other DGs. DEVCO's staff working document and results document are fed to this Annual Report, which is limited to 9 pages. DEVCO O2 set out that it provides general guidelines on visibility. In 2010, a Europeaid Manual for Communication and Visibility was issued. Each project reserved a small budget for visibility and the final project report needed to justify the visibility actions that had been taken. Nowadays, the budget for visibility actions is a separate budget, not within the instrument's budget. New guidelines are in the pipeline and will come into force in 2017. These new guidelines will probably be called "Requirements to Implementing Partners on Communication and Visibility". The Annual DEVCO Report will come out at the end of November 2016. It will contain the Results Report as Chapter II (under the responsibility of the Results Unit, DEVCO O6) The focus is on EFD and DCI. Visibility is a legal obligation. The legal basis is the financial regulation. Each action requires communication and a visibility plan (target audience, communication objectives, visibility actions, visibility channels and a separate budget). For joint EU/EBRD actions, the EBRD framework agreement with the EU regulates the administrative requirements for all projects, including visibility.

INSC-II. In 2014, 2015 and 2016, all ADs expressly refer to promoting EU visibility.

Moreover, 3 ADs are **specifically designed to promote EU visibility**. In 2014, **one of the main objectives of an AD - AD for Global Allocation** (Annex 7 2014 AAP) – was to **support a.o. information and visibility**. Similarly, **AD for Support Measures** (Annex 10 2016 AAP) has as one of its main activities (heading "Information and visibility") **raising EU visibility** and information initiatives in the areas of audio-visual and multimedia, publications, information on the EU and the partnership relations and promotion of dialogue. These activities include publication programmes, website and database management, in-country information activities, media relations and media monitoring, the production of audio-visual material and information support to events and conferences. The global allocation also covers the organisation and financing of meetings, seminars and conferences, including all related seminar costs and travel, accommodation relating to the programming and operation of the INSC programme. Finally, **AD for Technical Support – JRC** (Annex 11 2016 AAP) has as one of its main activities the dissemination of the project results. In effect, the JRC hosts the Technical Assistance to the **Commonwealth of Independent States (TACIS)/INSC Dissemination Website** and is responsible for the maintenance of the software and of the content of the Website. For all finalised projects, the JRC prepares a summary of project objectives, activities and major achievements, in English, which are made available on the Dissemination website. Some of the activities related to maintenance of the website software may be sub-contracted by the JRC using the Incidental Expenditure budget.

Finally, in the **ADs for Chernobyl** (Annexes 10/2015 AAP and 3/2016 AAP), given the co-financing situation, it is provided that **EBRD and DEVCO take care of visibility in parallel**. The EBRD takes all appropriate measures to publicise the fact that this project has received funding from the European Commission (<http://www.ebrd.com>). On top of this, other actions to disseminate results and increase the visibility of the European Commission's action may be implemented in parallel by the European Commission. The **Ukraine AD** (Annex 5 2016 AAP) states that the **JSO structure** has proved to be **efficient in facilitating various INSC visibility events**, which includes filming, official ceremonies for transferring project results, as well as preparing relevant booklets, press releases, etc. Given the large number of projects both under implementation and in planning for Ukraine, supporting the communication of these projects and their potential success, as well as the dissemination of results, is of key importance.

INSC-I. Most ADs of the INSC-I Sample include a standard paragraph on visibility in their section "Communication and visibility": *"Visibility activities will be implemented according to well-defined standards and rules: the EU visibility guidelines for external actions. These guidelines are a part of the contractual obligations of implementing partners/Consultants and must therefore be carried out in the same way as any other contractual element. On a regular basis, the Consultant will submit Progress Reports to the European Commission with copies to the Project Partner, the EU Delegation in the partner country, the EU Joint*

Research Centre and the EU Monitoring Team. The Consultant shall pay particular attention to the confidentiality of the data. Other deliverables dedicated to visibility may include:

- An inception press release at the start-up of the project;
- A final press release to be provided with the project final report;
- A final presentation meeting for the dissemination of the project results organised by the Consultant.

Other actions to disseminate results or increase the visibility of the EU action may be implemented in parallel to the present projects.”

Other than this standard clause on visibility, none of the ADs make any reference to visibility actions. Moreover, one of the 5 ADs of the INSC-I Sample, the nuclear safeguard AD for Brazil and Argentina MC5.01/11 does not contain this standard paragraph but merely states that “*The identification of the EU, as the source of funding of the delivered equipment, will be ensured*”.

COMPARISON OF INSC-II (2014-2016) WITH INSC-I (2011-2013)

During both INSC-I and INSC-II, EU visibility has been sufficiently promoted

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

GD

On promoting visibility, the concept already existed in the previous implementing rules but it was referred to as “publicity”. According to interviewees, however, EU visibility under the GD is very low. No particular EC initiatives have been taken neither before nor after 2014 to increase EU visibility.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

PI

Paragraph 11 of the CIR highlights the need to ensure visibility towards citizens in the beneficiary country and the Union citizens of the EU’s assistance and that there should be targeted communication and information by ‘adequate means’. In response to the EFI survey and in relation to the PI, all of the EUDEL respondents⁷⁸ to this question confirmed that they undertake actions to promote greater visibility and understanding of the EU. Specific channels and tools mentioned were:

- The EU Centres Network;
- Contacts with networks of journalists;
- Seminars, press conferences, expert visits and other outreach events;
- Specific PI public diplomacy and cultural diplomacy actions, including public lectures and exhibitions;
- Actions to foster on-line presence and local press releases.

In addition, it was pointed out that visibility is not ‘instrument specific’ and that Delegations take a more holistic approach to allow flexible adjustment to opportunities that arise. There was also a call for a specific budget line to support visibility actions.

Looking beyond EUDEL to the management of specific PI actions there is evidence from the mid-term evaluation case studies, which confirms that implementing organisations recognise the importance of visibility. All contractors are required to comply with EU visibility guidelines.

As highlighted in the results and indicators database, prepared as part of this evaluation, actions engage in a very wide range of events and activities, which have potential to generate visibility. Some engage specific communication officers to focus on this aspect. It seems likely that, particularly for Stand-Alone Actions, there could be greater emphasis placed on generating visibility where this is appropriate and proportionate. The more detailed review of a sample of actions indicates that typically actions do not define a dissemination or visibility strategy upfront. There are, of course, specific actions for which it would be

⁷⁸ The total number of respondents to the EFI Instruments survey was 88 and there were 11 responses for the PI.

inappropriate to generate publicity for wider non-specialist audiences, for example when these actions are intended to support official dialogue processes, which are at a critical juncture. In addition, the notion of partnership should not be lost and it is important that any actions taken are considered to be appropriate by partners.

As highlighted above, the CIR also talks about ensuring visibility of EU assistance to the EU public. Based on the available evidence, this aspect does not appear to be properly addressed by the PI. There is some information available on EUROPA, but making information available on-line does not tend to generate awareness / visibility. This could be a missed opportunity, given that the PI provides a positive story of the benefits of EU Member States being represented as one to other countries. At the same time, in the absence of any definition of the size of scope of visibility actions required, it seems sensible for a proportionate approach.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EDF

The answer to this question relies essentially on the analysis of the EAMRs for a sample of 25 EDF countries. Information collected through the five country visits conducted to date simply confirms the analysis presented below. Evidence from the CIR questionnaire is discussed at the end of this section.

The EUD tries to ensure visibility through several different measures. Some of the most common ones include press releases, news articles, radio and TV interviews and promotional videos. In general, the main media hooks used by the Delegation are high-level meetings or special events (e.g. Human Rights day, EU days, etc.), project signatures, project inaugurations and similar. The use of internet (websites) and social networks is also very common (Twitter, Facebook).

At the project level, it is important to mention that all EU-funded or co-funded projects should have a budgeted communication and visibility plan. The plan has to be “agreed with the EU Delegation staff managing the action, in close coordination with the EU Delegation staff responsible for communication activities”.⁷⁹

In the case of EU-funded projects, 11 out of the 14 mention some challenges with the implementation of communication and visibility plans at the project level.⁸⁰ The quality of the plans is often described as variable. In at least 5 of these cases, improvements were recorded in 2015.⁸¹ In some cases, the EUD has proactively organised training events (Lesotho, Republic of Congo) or joint meetings with all project partners to share lessons and coordinate activities (Zambia, Ethiopia and Timor Leste). These types of activities are generally considered as having made a positive contribution to improving visibility at the project level. Tools used at the project level include the ones mentioned in the previous paragraphs as well as promotional materials, placards, equipment with EU logo and social networks.

As regards the visibility of projects co-funded by the EU, 10 out of the 15 EAMRs in the sample that provide information on this, say that there are limitations.⁸² In 9 cases, there are problems with the visibility of the EU in projects implemented by international organisations (UN agencies are explicitly mentioned in 8 cases). The other EAMR (Cameroon) highlights challenges regarding the visibility of blending projects. The remaining 5 describe the status as good or working well.

The preliminary responses to the CIR questionnaire (document circulated on 24 November) contain 30 replies to the questions of visibility, out of which 3 are not valid. However, the

⁷⁹ EC (2010) Communication and Visibility Manual for European Union External Actions. European Commission, EuropeAid Cooperation Office, Brussels.

⁸⁰ See the EAMRs of: Cameroon, Dominican Republic, Congo DRC, Ethiopia, Haiti, Kenya, Lesotho, Madagascar, Mali, Republic of the Congo, Uganda, Zambia.

⁸¹ See the EAMRs of: Dominican Republic, Haiti, Kenya, Lesotho, Republic of Congo.

⁸² See the EAMRs of: Burundi, Cameroon, Chad, Dominican Republic, Jamaica, Malawi, Mali, New Caledonia, Sierra Leone, Zambia.

information contained is not very detailed compared to the information provided in the EAMRs and does not provide any new evidence. Most answers simply list some examples of activities they embark on (16 answers) or refer to the existence of funding for visibility within EU-funded projects (6 answers). One (1) answer refers to the greater visibility of large infrastructure projects and another one (1) to the need to build the capacity of the EUD and beneficiaries to increase the visibility of EU funding.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

SURVEY RESPONSES Part I Section 5: In what way has the Delegation used the [instrument] results in-country to promote EU visibility?⁸³

Responses	Comments
DCI	
A number of publications, events etc were organized to promote what the EU does in and for the country	
Case studies disseminated and results being used in our policy dialogue, giving us more visibility and influence.	
DCI ENV (GCCA): Generally recognised in the country that EU GCCA funding assisted in preparation of the first national Climate Change Policy and promoted mainstreaming of CC issues and Grass roots adaptation. DCI-FOOD (GPGC): Role of EUD in advocating for food security/nutrition aspects is recognised locally.	
It is very useful on our daily work to show that the EU is also about people and on our daily work supporting actions at grass-root level.	
Local or regional publicity activities funded by the EU implemented through CSO.	
mainly media and websites	
Most projects are launched in public events. the EU conducts regular dialogue with civil society at the level of EU HoMS which is recognised as best practice.	
Partner in reforms driven by civil society and local authorities.	
Pooling of resources from different financing decisions resulting in a large service contract (1.2 million €) with a communication company leads to a number of visibility activities in (Communication Strategy available on request)	
publications end of project events	
Several visibility/communication actions are carried out during the different phases of our projects/programmes cycle	
This country is in a critical emergency situation due to a protracted internal conflict. Low profile is often a preferable solution. Visibility campaigns have not been possible for a long period.	
The DCI results in-country have been used regularly to promote EU visibility. Bilateral cooperation has been presented regularly as achievements made possible through joint work with the Government whilst interventions with civil society have also contributed to overall EU visibility.	
The EUD uses all instruments in a coordinated way to assure commitment and high level visibility with International Institutions and MS. The fact that delegation is evacuated limits visibility in the country.	
The EUD uses all instruments in a coordinated way to assure commitment and high level visibility with International Institutions and MS. The security related issues limit visibility in the country.	
Thematic guidelines to promote policies (i.e. land governance). Promotion of dialogue between different parties during national events. TV reportage and other media	

⁸³ Individual countries not mentioned for reasons of confidentiality. The table only indicates how many countries have provided similar responses.

<i>Responses</i>	<i>Comments</i>
to inform the public plus relevant stakeholders about the impact of the EU intervention, to stress change (before-after), to contribute to policy change.	
Usual visibility signs, stickers, leaflet ... but when facing urgencies and lack of basic needs, effectiveness of the action is considered as a priority over visibility.	
Project/programme visibility, communication plan, general EU visibility	
Visibility around grants to CSO and local authorities (GPGC, line LA-OSC). Examples: EU financed 14 CSO projects through grants. A signing ceremony was organized with the HoD, one Government representative, CSO. Media was invited so as to promote EU action. Also, European journalists visited some of those projects which lead to articles in international media. All call of proposals are published on EU website and Facebook page. It is an opportunity to raise awareness on EU instrument to support CSO.	
The communication and visibility budget lines of each program funded by DCI is used to promote EU visibility, notably the DCI-AMSP is funding a Sugar museum in view of the long-lasting cooperation in this sector.	
To lesser extent as work with CSO faces increasingly restrictive political and legal environment in , which could be further complicated by enhancing visibility of this work.	
Video clips, seminars/conferences	
The EU support in banana and sugar is highly visible and acknowledged by the Government and the press.	
Informing and communicating on strategic areas for EU Development Agenda. Critical visibility assured amongst non-government institutions and CSOs, with subsequent dissemination.	
Mostly through the individual visibility and communication built-in contracts in each of the Financing Agreements but also via the institutional events like the 9th of May celebrations, Eurocine, Erasmus Mundus presentations, speeches given at thematic presentations, etc. for the current MIP a consolidated communication strategy will be implemented, financed by the Support Measures of the MIP. For the Civil Society component, the grants contain a communication and visibility plan that is followed up by the EUDEL.	
Communication of outcomes of cooperation provides us a constant presence in news and social media, and underlines in our communications with government, parliament and civil society our significant engagement in development.	
Projects and programmes follow EU visibility guidelines - some with greater success and vigour than others. The Delegation has not in the past followed up on this systematically – but endeavours to do so with support of our recently identified ComCord henceforth. In the area of Human Rights, the Delegation organises a very successful Human Rights Day every year on or around the 10 December – which is well attended by partners and reported on in media (to extent they report on HR issues). The migration challenge – does however mean that the Delegation has to be very careful in the messages that are conveyed to the public about our programmes (and indeed of course the content also) – in order to reduce the likelihood of incorrect reporting about our work. To this extent the Delegation is preparing asset of lines to take to be shared with EU MS in our joint or individual outreach to media and partners. This is also important when reaching out to partners within the EU itself.	
Long term partnership with long-term results and tangible achievement	
Outreach on issues such as human rights, gender and environment by supporting international days such as climate week; women's day;	
La situation spécifique du Burundi (article 96) ne me permet pas de répondre à cette question. Mais globalement nous ne sommes pas encore au point pour faire de la visibilité sur le résultats. Nous en sommes encore beaucoup à en	

<i>Responses</i>	<i>Comments</i>
faire sur les financements.	
Visibility has been promoted through project activities i.e. conferences, study tours, press events but also through specific thematic events bringing together different projects.	
DCI actions are integrated into Delegation's overall visibility strategy.	
EU as a supporter of poverty reduction with grant funds and policy dialogue	
Have pooled funds allocated for visibility actions e.g. under sector budget support and contracted consultant to support implementation of communication strategy.	
branding of EU with partners and implementing NGOs/ Communication plan	
We use funds under programmes, but we think that a specific envelope should exist for visibility purposes. This should have an appropriate size linked to the bilateral envelope.	
use of GCCA funds has promoted visibility on Climate change	
through events, campaigns, reports	
Visibility is not instrument specific. It requires a holistic, integrated approach supported by pooling of visibility funds and flexible adjustment to opportunities.	
Inventory of good practices under way (example of synergies: the study is contracted with ENI funds)	
social media; numerous project related events with high level participation	
DCI is used to strengthen the position of the EU as a strategic partner for development, who knows the needs of the country and is involved in the search for solutions to problems, based on mutual respect, reciprocity and common interest.	
The EU Delegation has put in place significant efforts to increase the visibility of projects supported EU cooperation. In terms of approach, no distinction is made between projects funded under different instruments - this is because the majority of our audiences do not distinguish between supported provided under different instruments. Communication work is at times more effective when undertaken jointly with Member States or other cooperating partners (for example on elections and gender based violence and access to justice). The EUD has used social media (Facebook), country factsheets, case studies published on our website, evaluation results dissemination events, articles published on capacity4dev.eu, field visits and our contribution to the global results report, as well as EU Heads of Mission meetings and participation in various sector groups active in to promote the EU policy objectives and results of actions implemented in under different instruments. In May 2016 The EU delegation also organised an EU week with a variety of press, cultural, diplomatic and technical events during a one week period. A contract was also concluded with an external service provider in order to help us increasing our visibility. The EU delegation has also created a EU Business Club which has increased our visibility with the private sector (economic diplomacy)	
Systematically. The Delegation has a communication and visibility plan that relies heavily on the opportunities and resources provided by cooperation projects.	
Our policy on visibility is independent from the instrument. We try and maximise EU-visibility through appropriate clauses and monitoring of contracts with implementing partners and by assuring delegation presence at various events. As the DCI is most often implemented by NSA, the Delegation partners with the implementing agent to rationalise resources and maximise communication and visibility outcomes	
Visibility activities and awareness raising events are regularly organised at project or programme level by implementing partners, notably international organisations (although some have difficulties to consistently respect EU	

<i>Responses</i>	<i>Comments</i>
visibility funding rules) and NGOs. Social media is also increasingly used to provide higher visibility of EU cooperation activities and EU policies in general. Direct contacts with end beneficiaries as a means to emphasise EU presence, interest and engagement in the country may be put at risk if security further deteriorates in the country.	
high level workshops, policy dialogues mostly. visibility towards a targeted audience, not feasible to wide visibility in . In preparation of brochure on eu cooperation, normal visibility guidelines	
Visibility is an inherent part of the instrument and each project has a development component. The Delegation therefore promotes together with each project a number of events /seminars etc...	
to a great extent, by combining several instruments, pure promotion, media reach, public diplomacy	
- events - policy dialogue	
as focus is on climate financing and resilience, important for	
Traditionnellement, tous les projets font apparaître le financement de l'UE dans toutes les opérations de visibilité organisées. De plus, dans le cadre des plans de visibilité prévus dans les contrats, il y a des ateliers, conférences, Comités de pilotage, etc. au cours desquels les interventions des représentants de la DUE remettent les projets dans le contexte des politiques de l'UE et assurent la visibilité de celle-ci.	
90% of projects funded under the DCI - CSO/LA thematic budget line have a visibility plan and results are regularly communicated through the local media. Conferences are organised with partner NGOs in which results are discussed and highlighted before the press.	
Seminars, EU week, project visits	
With a large bilateral envelope in the country (large and relevant programmes) and high-level advocacy, policy dialogue/engagement with all stakeholders: government, CSO, media... Specific communication and visibility contract available for the EU delegation and also, more specifically, within the different programmes and projects.	
not much	
Information on projects is divulged via social networks	
Ensuring EU visibility through CSO support and activities. Using Social media and Facebook. HoD visit to the projects with the participation of local journalists.	
En générale, des activités de visibilité sont réalisées de façon ponctuelles dans ce cadre de chaque projet financé. Avec CSO-LA des événements avec la société civiles sont également réalisés	
Social media; Through the visibility and communication plan for each project; Project fair at the occasion of Europe's Day celebrations; Promote communication products from projects (video, pictures, etc) ; Promote radio and TV programs about projects results; Building strategic partnerships with well-known singers/famous people to promote projects' results/specific messages.	
In this country a very successful project is implemented by FAO, under DCI-ENV and GCCA. It focuses on establishing a Multi purpose National Forest Inventory. The Government is satisfied with the project and this has allowed the EU to both gain visibility and engage with the government on the sensitive issue of sustainable forest management / illegal logging.	
EIDHR	
By supporting forgotten or controversial causes, it allows to give a humanistic face to the EU cooperation, at least before a certain part of the population.	
Case studies disseminated and results being used in our policy dialogue,	

<i>Responses</i>	<i>Comments</i>
giving us more visibility and influence.	
CSO/ LA: Visibility budget lines of projects.	
Each grant has a visibility component allowing to implement events, ceremonies, web-sites, newsletters, etc. Info days organised before and during the launch of the call for proposals also help promoting EU visibility.	
EIDHR CfPs have always been drafted on lessons learnt and results from previous experiences which have been shared through consultations with civil society, MS and DPs. And when publishing EIDHR CfPs, the Delegation has always taken the opportunity to disseminate CfPs through information meetings to potential applicants, web page, Facebook, local medias, etc. All these actions have allowed to increase EU visibility on HR matters. Furthermore results of ongoing and finalised projects are also presented and disseminated to the wider public for instance through public events and seminars organised by beneficiaries, thus contributing to overall EU visibility.	
EIDHR provides a relatively small amount of funding used to support CSO grants. Where relevant these have created platform for public discussion and debate.	
Funding for visibility on Democracy and HR coming from DCI (see above)	
Given the nature of these programmes and the sensitivities of some of the topics, EIDHR results were used less for large scale visibility, while are well known to practitioners of the sector	
Given the sensitivity of the projects, there is limited visibility on these projects	
It is very useful on our daily work to show that the EU is also about people and on our daily work supporting actions that promote democracy and human rights.	
Local publicity through activities funded by the EU implemented through CSO.	
Low	
mainly media and websites	
Partner in promotion of human rights driven by grass roots actors	
Public ceremonies, speeches, debate during the celebration of human rights day	
The EUD uses all instruments in a coordinated way to assure commitment and high level visibility with International Institutions and MS. The fact that delegation is evacuated limits visibility in the country.	
The EUD uses all instruments in a coordinated way to assure commitment and high level visibility with International Institutions and MS. The security related issues limit visibility in the country.	
to inform the public plus relevant stakeholders about the impact of the EU intervention, to stress change (before-after), to contribute to policy change.	
project/programme visibility, communication plan, general EU visibility	
Visibility around support to national elections and grants to CSO. Examples: Participation at launching events of grants and ensuring good media presence	
None.	
The EIDHR projects apply EU visibility guidelines and actively promote EU visibility with events with the press.	
To lesser extent as work with CSO faces increasingly restrictive political and legal environment in , which could be further complicated by enhancing visibility of this work.	
Community conversations; meetings	
Organisation of consultation / information sessions with CSOs	
Activities under this instrument cover sensitive issues (gender equality, death penalty, etc.) that trigger debates with the media.	

<i>Responses</i>	<i>Comments</i>
implementing partner abides by visibility guidelines such as using print material with EU logo	
Informing and communicating on strategic areas for EU Development Agenda. Critical visibility assured amongst non-government institutions and CSOs, with subsequent dissemination.	
Similarly to the previous answer, most of our visibility has been conveyed via the individual visibility and communication built-in contracts in each of the grants signed after the calls for proposals. Also, during the monitoring and field visits, the EU actions have been explained to the beneficiaries as well as their communities.	
Public communication is part of most EIDHR projects in , so communication by partner organisations both supports better policy discussion within and boosts EU visibility.	
Projects and programmes follow EU visibility guidelines - some with greater success and vigour than others. The Delegation has not in the past followed up on this systematically – but endeavours to do so with support of our recently identified ComCord henceforth. In the area of Human Rights, the Delegation organises a very successful Human Rights Day every year on or around the 10 December – which is well attended by partners and reported on in media (to extent they report on HR issues). The migration challenge – does however mean that the Delegation has to be very careful in the messages that are conveyed to the public about our programmes (and indeed of course the content also) – in order to reduce the likelihood of incorrect reporting about our work. To this extent the Delegation is preparing asset of lines to take to be shared with EU MS in our joint or individual outreach to media and partners. This is also important when reaching out to partners within the EU itself.	
EIDHR projects were until 2015 restricted, therefore was no visibility other than towards other donors	
Visibility and communication around issues of human rights such as death penalty, elections, actions against violence	
La situation spécifique de ce pays (article 96) ne me permet pas de répondre à cette question.	
Results are referred to in project events, press releases, interviews and speeches.	
EU as a defender of human rights, committed to support any national actors	
Systematically organising press releases and other promotion actions in connection with project events.	
visibility is generally not the key factor in HR issues	
We use funds under programmes, but we think that a specific envelope should exist for visibility purposes. This should have an appropriate size linked to the bilateral envelope.	
production of Telenovela on human rights	
through events, campaigns, reports	
Visibility is not instrument specific. It requires a holistic, integrated approach supported by pooling of visibility funds and flexible adjustment to opportunities.	
Low/no visibility accepted if so requested by grantees	
By actively participation in project closing conferences & using examples particularly in less controversial areas to provide a more "balanced" picture of EU HR activity compared with misperceptions of some critics.	
EIDHR is used to translate the fundamental values of the EU into action.	
Similarly, EIDHR projects contribute to the Delegation communication and visibility plan. A useful specificity is the availability of support measures of very flexible use, albeit limited amount. These provide a useful complement to visibility efforts. In addition, working on politically visible topics with civil society	

<i>Responses</i>	<i>Comments</i>
usually gives a wealth of opportunities to generate interest for the work of the EU in the public at large.	
Our policy on visibility is independent from the instrument. We try and maximise EU-visibility through appropriate clauses and monitoring of contracts with implementing partners and by assuring delegation presence at various events. The EU electoral observation Mission, albeit expressing views independent from the Delegation has contributed to highlight the EU support to Democracy and peaceful political dialogue	
Visibility activities and awareness raising events are regularly organised by EIDHR implementing partners. Social media is increasingly used to provide higher visibility of EU cooperation activities and EU policies in general (to promote international day for Human Rights, Women etc.) Direct contacts with end beneficiaries as a means to emphasise EU presence, interest and engagement in the country may be put at risk if security further deteriorates in the country.	
The Delegation fully associates itself to the public event organised by the EIDHR projects with particular support to event sin which sensitive issues are raised.	
Visibility is centralised. There is a Website, Facebook Page and Twitter account specifically dedication to the EIDHR. It gives information about projects.	
- multiple events with CSO - policy dialogue	
Important visibility events directly linked to launch and main events under EIDHR programmes	
minimal	
Promotion of EIDHR funding to empower human rights defenders, and the visibility of the EU as champion of human rights and values - Systematic participation to visibility events of projects	
En fonction de la sensibilité des programmes dans ce domaine, la visibilité de l'UE est adaptée.	
All projects funded under EIDHR have a visibility plan and results are regularly communicated through the local media. Conferences are organised with partner NGOs in which results are discussed and highlighted before the press.	
Project visits seminars	
Building coalitions with civil society and other relevant actors beyond the authorities	
We have regular meetings with HRDs and have supported both during the crisis. As we use a mix of instruments to support these efforts our visibility among this community is naturally high. With the upcoming project we will create a basket fund for the protection of human rights defenders which will engage with all CSOs that work on human rights. We also had good exposure regarding women and children rights in the past.	
the visibility component of each project	
By using projects to organise communication/visibility events.	
Information on projects is divulgated via social networks	
Through NGO support, advocacy and activities. Celebration of the 10th anniversary of the instrument in presence of various actors including from Government. Using Social media and Facebook. HoD visit to the projects wih the participation of local journalists.	
En générale, des activités de visibilité sont realisees de façon ponctuelles dans ce cadre de chaque projet fianncé. D'autres activités sont financées de façon ponctuelles à partir du 5%disponibles pour des activités de support	
Social media; Through the visibility and communication plan for each project; Project fair at the occasion of Europe's Day celebrations; Promote	

<i>Responses</i>	<i>Comments</i>
communication products from projects (video, pictures, etc) ; Promote radio and TV programs about projects results; Building strategic partnerships with well-known singers/famous people to promote projects' results/specific messages.	
Launching events Events jointly organised with other international partners Delegation's web site Social media Press releases developing relationship with media and media-targeting events	
EDF	
Besides that all projects have to have a visibility plan and it is used to show our support and engagement with Angola, it is the way we showcase our commitment to supporting the economic development of the country	
EDF programmes gives high visibility to the EU though public events to launch the project, use of social media to report on results, important meetings etc. EDF contributions acknowledged by Government in Budget and other public statements.	
EDF: Visibility budget lines of bilateral programmes are the main tools for communication and visibility in-country.	
Local or regional publicity activities funded by the EU implemented through Govt. and other implementing partners.	
Low	
mainly media and websites	
Major infrastructure projects are huge and long-standing visibility supports. They are still the most appreciated realisations of the EU cooperation ... far beyond budget support programmes, obviously more appreciated by political high figures than by the population.	
Partner in governance poverty reduction reforms	
Press statements, press conferences, sharing of evaluations' results. Thematic guidelines to promote policies (i.e. public finance management). Promotion of dialogue between different parties during national events. TV reportage and other media	
Several visibility/communication actions are carried out during the different phases of our projects/programmes cycle	
to inform the public plus relevant stakeholders about the impact of the EU intervention, to stress change (before-after), to contribute to policy change.	
project/programme visibility, communication plan, general EU visibility	
Visibility around support to national policies. Examples: Through projects, EU is supporting national programs related to water access in rural areas and civil status registry. A film on the impact of EU initiatives to make rural populations access water in rural areas was produced and broadcasted on TV. On top of that, events with media were organized at the launch of civil status registry project, computers donation, field activities launch. One government representative attended each ceremony.	
Through every single contract.	
The communication and visibility budget lines of each program funded by EDF-bilateral is used to promote EU visibility (organisation of EU school cultural festival under Education program; videos of the EU-cooperation; supplement in the press for Europe's day, etc.). The Delegation is also using the EDF funds for EDF11 visibility to develop additional actions (EU film festival, climate action campaign). These are important activities, however they are more time-consuming than the small budget would seem to indicate.	
Exhibition stands, presentations of results in Seminars, organizing visits to areas of intervention; video, mass media etc.	
Again this requires detailed follow up which simply requires human resources. Although we are vigilant in most projects I am sure opportunities are missed.	

<i>Responses</i>	<i>Comments</i>
Project managers are not necessarily PR focussed. To duplicate the EEAS PR officer by a ComCord might be a solution for large cooperation sections but certainly not for small Delegations like Lesotho.	
A visibility contract with a specialised company to organise all kind of events, initiatives	
Each project has a dedicated allocation for communication and visibility . A communication plan is systematically designed and implemented where results are broadcasted.	
A variety of actions/products: visibility events organised to promote specific programmes/ partners/ sector (COP21; EU JP; Children's rights; EBO, iEPA; FLEGT;) ; brochure highlighting the main features/results of EDF cooperation or a specific sector; participation in key events organised by other partners (EU MS) to promote relevant cooperation issues.	
Projects and programmes follow EU visibility guidelines - some with greater success and vigour than others. The Delegation has not in the past followed up on this systematically – but endeavours to do so with support of our recently identified ComCord henceforth. In the area of Human Rights, the Delegation organises a very successful Human Rights Day every year on or around the 10 December – which is well attended by partners and reported on in media (to extent they report on HR issues). The migration challenge – does however mean that the Delegation has to be very careful in the messages that are conveyed to the public about our programmes (and indeed of course the content also) – in order to reduce the likelihood of incorrect reporting about our work. To this extent the Delegation is preparing asset of lines to take to be shared with EU MS in our joint or individual outreach to media and partners. This is also important when reaching out to partners within the EU itself.	
Pooling of funds for a communications contract have been able to reach out to new audiences and make communication more mainstream in the organisation and more strategic. Having one common message for EU interventions in country; Compiling EDF achievements in a Blue Book	
La situation spécifique de ce pays (article 96) ne me permet pas de répondre à cette question.	
posters/ inaugurations: Pb of visibility with budget support.	
Many visibility activities related to projects and programmes lead to good press coverage.	
Our policy on visibility is independent from the instrument. We try and maximise EU-visibility through appropriate clauses and monitoring of contracts with implementing partners and by assuring delegation presence at various events.	
Most important source of visibility - as EU relations with are to a large extent influenced by cooperation programmes - and visibility is directly linked to this.	
Traditionnellement, tous les projets font apparaître le financement de l'UE dans toutes les opérations de visibilité organisées. De plus, dans le cadre des plans de visibilité prévus dans les contrats, il y a des ateliers, conférences, Comités de pilotage, etc. au cours desquels les interventions des représentants de la DUE remettent les projets dans le contexte des politiques de l'UE et assurent la visibilité de celle-ci.	
Official meetings of EDF-funded projects (steering committees, ceremonies, launches...) are regularly attended by Ministers of government and receive large amounts of media coverage. The HoD, often flanked by a partner minister appears regularly on local TV, in the written press and her speeches and those of her representatives are often broadcast on local radio.	
Seminar, EU week, project visits	
As a public diplomacy instrument to promote general interests and the transparent use of public goods.	

<i>Responses</i>	<i>Comments</i>
the visibility component of each project	
Implementing partners have been encouraged to acknowledge and communicate on EU funding. Brochures, articles have been used developed	
By using projects to organise communication/visibility events.	
Chaque projet/programme prévoit des activités de visibilité. La facilité technique de coopération prévoit un volet spécifique pour les activités de visibilité ce qui permettra de disposer d'activités de visibilité "globale" couvrant toute la coopération (contrat signé en 2016). Une enveloppe spécifique a été aussi mobilisée pour chaque délégation dans le cadre du 11ème FED pour assurer une visibilité globale du 11ème FED (contrat signé en 2016)	
Social media; Through the visibility and communication plan for each project; Project fair at the occasion of Europe's Day celebrations; Promote communication products from projects (video, pictures, etc) ; Promote radio and TV programs about projects results; Building strategic partnerships with well-known singers/famous people to promote projects' results/specific messages.	
Visibility activities are foreseen in the financing agreements and are monitored during implementation Visibility events co-organised with NAO Films about cooperation Delegation's web site Social media Press releases Developing relationship with media and media-targeted events	
PI	
Everything we do under the Partnership Instrument in the United States is aimed to promote greater visibility and understanding of the European Union.	
Through EU Centres Network and local journalistic contacts.	
Through outreach events (conferences, workshops, expert visits etc), in particular, through climate outreach, Gateway and other projects. A stand-alone Public Diplomacy action is currently tendered.	
We use funds under programmes, but we think that a specific envelope should exist for visibility purposes. This should have an appropriate size linked to the bilateral envelope.	
Visibility is not instrument specific. It requires a holistic, integrated approach supported by pooling of visibility funds and flexible adjustment to opportunities.	
Several PI public diplomacy actions in China, including a specific project on EU public diplomacy and outreach, plus actions on cultural diplomacy, public lectures, exhibitions, sector events, etc. The projects follow the visibility guidelines and foster online presence and local press releases.	
- seminars - press conferences with experts	
Through the organization of 4 conferences on very strategic topics for EU partnership (CSDP, Strategic Partnership, Energy), the EU visibility was promoted during this 40th anniversary of the EU in commemorative year thanks to the PI. In addition to that, an upcoming contract on Public Diplomacy designed by the EU Delegation will allow enhancing widespread understanding and visibility of the Union and of its external role, people-to-people contacts, think tank cooperation and outreach activities to promote the Union's values and interests. Erasmus Mundus and Jean Monnet funded by the PI allow relevant cooperation in educational and academic issues in	
the partnership instrument was precisely used to finance additional visibility	
INSC	
Mainly through project related conferences, working groups and study tours.	
Organised press conference and press releases in connection with HQ mission for uranium tailings legacy sites project and showed video to the Development Partners in the context of the Development Partners Cooperation	

<i>Responses</i>	<i>Comments</i>
Council (DPCC).	
through events, campaigns, reports	
IPA	
In three ways: 1. Through mandatory contractual provisions related to visibility in each project 2. Through the EU Information Centre activities 3. Through the EUSR outreach activities.	
Results are referred to in project events, press releases, interviews and speeches.	
Combining IPA projects with thematic days and promoting on social media. There are also EU Info Centres all over . Each project has opening/closing ceremonies that are promoted on Social Media and other activities per project which are found in the TA of each project, including promotional materials as a result of projects	
visibility and communication are widely used for promoting EU assistance through IPA	
the EUD advocated the projects in the reform policy context, insisting on impact on reforms needed for EU accession, and citizens benefits.	
Visibility strategy and action plan for IPA drafted by government, supporting communication strategy and action plan on EU accession. Large number of visibility actions carried out in all sectors supported by IPA (opening and closing events, press releases, project events with media presence, media coverage)	
IcSP	
Funding for visibility on Stability and Peace coming from DCI (see above)	
It may help in some cases but certainly not always. This instrument is barely used in SL.	
Medium	
Only one ongoing project for the time being, no relevant for visibility. As for EIDHR, visibility may have to be sacrificed on the altar of effectiveness, but impact within "knowledgeable" civil society important for EU's image	
Partner in security reforms	
Production of a serie of short documentaries promoting IcSP actions and results in national medias (press and TV). Steering committees involving all stakeholders at national and local levels with media coverage.	
The EUD uses all instruments in a coordinated way to assure commitment and high level visibility with International Institutions and MS. The fact delegation is evacuated limits visibility in the country.	
The EUD uses all instruments in a coordinated way to assure commitment and high level visibility with International Institutions and MS. The security related issues limit visibility in the country.	
Through the visibility events foreseen during project implementation.	
Press releases & other visibility activities around the support to national/local authorities & services, NGOs, communities, etc. It should be noted however that, given the sensitivity of some of the topics addressed (mostly under the Art. 3 of the IcSP), caution may apply in terms of visibility.	
Visibility towards stakeholders is ensured but to lesser extent to wider public due to sensitive subject	
Exhibition stands, presentations of results in Seminars, organizing visits to areas of intervention; video, mass media etc.	
implementing partner abides by visibility guidelines such as using print material with EU logo	
The contract with the OAS for the border dispute, there is limited possibilities	

<i>Responses</i>	<i>Comments</i>
for visibility, due to the sensitive nature of the issue.	
Projects and programmes follow EU visibility guidelines - some with greater success and vigour than others. The Delegation has not in the past followed up on this systematically – but endeavours to do so with support of our recently identified ComCord henceforth. In the area of Human Rights, the Delegation organises a very successful Human Rights Day every year on or around the 10 December – which is well attended by partners and reported on in media (to extent they report on HR issues). The migration challenge – does however mean that the Delegation has to be very careful in the messages that are conveyed to the public about our programmes (and indeed of course the content also) – in order to reduce the likelihood of incorrect reporting about our work. To this extent the Delegation is preparing asset of lines to take to be shared with EU MS in our joint or individual outreach to media and partners. This is also important when reaching out to partners within the EU itself.	
EU is able to support the country through other flexible instruments than DCI when required	
Reaching out to local journalists and information sessions on the programmes and results foreseen in the area.	
La situation spécifique du (article 96) ne me permet pas de répondre à cette question.	
Mainly through project related conferences, working groups and study tours.	
EU as a defender of human rights, committed to support any national actors	
Systematically organising press releases and other promotion actions in connection with project events.	
coupling IcSP support for elections with an EU Observation Mission gave strong visibility. Another way is strong connection with political dialogue, especially when dealing with security cooperation	
We use funds under programmes, but we think that a specific envelope should exist for visibility purposes. This should have an appropriate size linked to the bilateral envelope.	
through events, campaigns, reports	
Visibility is not instrument specific. It requires a holistic, integrated approach supported by pooling of visibility funds and flexible adjustment to opportunities.	
Our policy on visibility is independent from the instrument. We try and maximise EU-visibility through appropriate clauses and monitoring of contracts with implementing partners and by assuring delegation presence at various events.	
Visibility is ensured through fliers, posters, booklets, supplies and high level visits from EU VIPs.	
Traditionnellement, tous les projets font apparaître le financement de l'UE dans toutes les opérations de visibilité organisées. De plus, dans le cadre des plans de visibilité prévus dans les contrats, il y a des ateliers, conférences, Comités de pilotage, etc. au cours desquels les interventions des représentants de la DUE remettent les projets dans le contexte des politiques de l'UE et assurent la visibilité de celle-ci.	
Promoting citizenship and encouraging political reforms	
The implementation of the UNSCR 1325 is one of the key elements of the government's gender strategy and as a mission we were able to launch the first call for proposals on the day the National Action Plan for the implementation of UNSCR 1325 was launched. Furthermore we were able to quickly answer to a government request to stabilise the social environment with cash for work.	
the visibility component of each project	

<i>Responses</i>	<i>Comments</i>
Information on projects is divulgated via social networks	
Videos on supported projects Using Social media and Facebook. HoD visit to the projects with the participation of local journalists. Signature of Financing Agreements with the authorities.	
En générale, des activités de visibilité sont réalisées de façon ponctuelles dans le cadre de chaque projet financé.	
Workshops	
ENI	
Good use of this instrument implies close correlation between assistance offered and EU Policy dialogue with the country, coordination with EUMS and other key donors. More flexibility on size of assistance is important. More speed in terms of procedures is important. Local ownership is critical for institutional reform.	
Flexibility, focus, timeliness	
leverage of funds; policy dialogue	6
EU-EUMS common messages; ensuring a high visibility for the funds; willingness of the EU to hold a rigorous line (including willingness to withhold funds when appropriate conditions are not met; ability of programme managers to engage in a dialogue on substance with the beneficiary (rather than restricting themselves to procedural issues); ruthless prioritizing to avoid dispersal of funds.	

1.3.3 Use of country systems (Art. 4 (2))

Evidence Summary

The use of systems of partner countries is primarily realized in countries that receive general and sectoral budget support. A significant change in budget support procedures was introduced in 2013 resulting in increased use of the modalities as from 2014.

The CIR seems to have mostly just endorsed the innovations rather than having been the driver of change. It specifically places general and sector budget support into the context of mutual accountability and shared commitments to universal values. Contractual partnerships between the Union and partner countries are to promote, democracy, human rights and the rule of law, support sustainable and inclusive economic growth and eradicate poverty.

Evidence shows that budget support before and after 2014 involved extensive policy dialogue between the EU and partner governments, e.g. on democracy, human rights and fundamental freedoms. The CIR provided an additional legal underpinning to this practice.

Actions under the CSO-LA programme of DCI and EIDHR have benefited from this provision, as it contributes to defending and promoting the space of CSOs. On the other hand, there are limitations to the leverage that financial envelopes have especially in middle-income countries (ENI, IPA-II and DCI countries that have graduated from LDC status).

DCI

The use of country systems is primarily realized through General and Sectoral Budget Support. A significant change in BS procedures was introduced in 2013 resulting in increased use of the modalities as from 2014. The CIR seems to have mostly just endorsed the innovations rather than having been the driver of change. Interestingly, none of the 2015 and 2016 reports make explicit reference to the CIR.

The new system distinguishes between a) countries having been found to have good governance through a fundamental assessment, in which case respect of these principles and requirements is not a problem; b) countries in need of state building support, i.e. fragile countries due to political upheaval or natural disasters (e.g. Tunisia in transition), supported short-term and with these conditions included; c) countries in need of sectoral budget

support, in which a rights-based approach is required (especially for justice reform and education).

The Risk Management Framework for countries under b) and c) includes criteria like respect of human rights and fundamental freedoms. Risks may be low, median, substantial or high. BS is accompanied by some form of performance assessment, policy dialogue and capacity building. The approach allows for a tailor-made approach to specific country situations as well as constructive corollaries to mere conditionalities such as policy dialogue and capacity building.

State building support has not always been successful in terms of smooth disbursements, but was also instrumental in helping countries improve performance.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EIDHR

There is no ownership of EIDHR actions by government. Unlike all other EFIs, the EIDHR allows support to be provided to CSOs and others without the need for government approval, local authorities are not consulted in the preparation, implementation, monitoring and evaluation of actions, and country systems are not used. This is a key feature of the EIDHR and has allowed for support to be provided where government are reluctant to allow any support to human rights (for example, Pakistan) or to issues such as the rights of LGBTI persons.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

ENI

The overall increase of budget support in ENI is confirmed by all interviewees, and corresponds to the demand of partner countries. A limitation in terms of ownership (and thus leverage) is that for middle income countries whose political actors are not consensually heading for reforms, the financial envelopes made available by the ENI budget are a weak incentive to develop ownership, even on priorities agreed with the government. This applies to sector budget support programmes in particular.

Table 5 ENI commitments/disbursements in 2014-2015 by type of aid (in mio EUR)

Type of aid	Commitments	%	Disbursements	%
Project-type interventions	2.463,53	51,4 %	1.632,65	48,3 %
Sector budget support	995,50	20,8 %	579,65	17,1 %
General budget support	412,00	8,6%	447,53	13,2 %
Basket funds/pooled funding	381,00	8,0%	12,33	0,4%
Contributions to specific-purpose programmes and funds managed by international organisations (multilateral, INGO)	259,00	5,4%	242,89	7,2%
Administrative costs not included elsewhere	107,32	2,2%	108,92	3,2%
Other technical assistance	73,96	1,5%	180,28	5,3%
Scholarships/training in donor country	58,02	1,2%	161,94	4,8%
Development awareness	20,00	0,4%	6,95	0,2%
Core support to NGOs, other private	19,00	0,4%	3,70	0,1%

<i>Type of aid</i>	<i>Commitments</i>	<i>%</i>	<i>Disbursements</i>	<i>%</i>
bodies, PPPs and research institutes				
Core contributions to multilateral institutions	2,20	0,0%	6,70	0,2%

Source: EC Statistical Dashboard

Almost one third of ENI resources during the 2014-2015 period are committed through budget support programmes: 21% for sector budget support, 9% under general budget support (mainly State Building Contracts).

Ownership is linked to the perspective of moving beyond EU market integration and towards an increasing feeling of cultural proximity or compatibility. The use of country systems in the South does not trigger ownership easily, Morocco being a good recent example. In the East, the increasingly contrasted buy-in of alignment to EU rules and standards (Georgia/Ukraine against Belarus/Moldova/Armenia/Azerbaijan) is another example showing that the implementation modality is only one of several factors that contribute to building ownership of EU programmes.

Another factor contributing to ownership is the quality of the expertise provided by EU to accompany the reform process. For some interviewees, the Support Group for Ukraine has made a break-through in terms of quality by internalising expertise, cutting across the EU institutional structure. This organisation allowed to develop consistent programming, closely associated to policy dialogue.

The six answers to the joint survey question “In what ways do the opportunities for development opened by the ENI regulation on programming, implementing and monitoring have an impact on the ownership of EU programmes by national authorities and civil society networks?” reflect the above:

Box 1 *Answers to the EFI survey question on ownership by EUDs in ENI countries*

- All programmes under ENI are presented to the authorities and CSO in advance of adoption, thus giving them the opportunity for ownership. CSOs are quite happy with EU programmes. On the government side, there is no national focal point for donors, but the government beneficiaries overall are pleased with our programmes.
- Moldova has an enduring problem with the lack of ownership despite continuous efforts and support of the EUD. Moldova has a weak aid management structure.
- National authorities show limited absorption capacity; There are no real civil society networks (=no umbrella organisations at national level).
- No significant change witnessed.
- Ownership through alignment with national development priorities where EU interest coincide with governmental development objectives. Challenging CSO environment is currently an obstacle to extensive involvement of civil society networks.
- Participation of the government in programming and alignment of assistance to support government reforms or sector development policies provide a greater ownership especially in bilateral programmes.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IPA-II

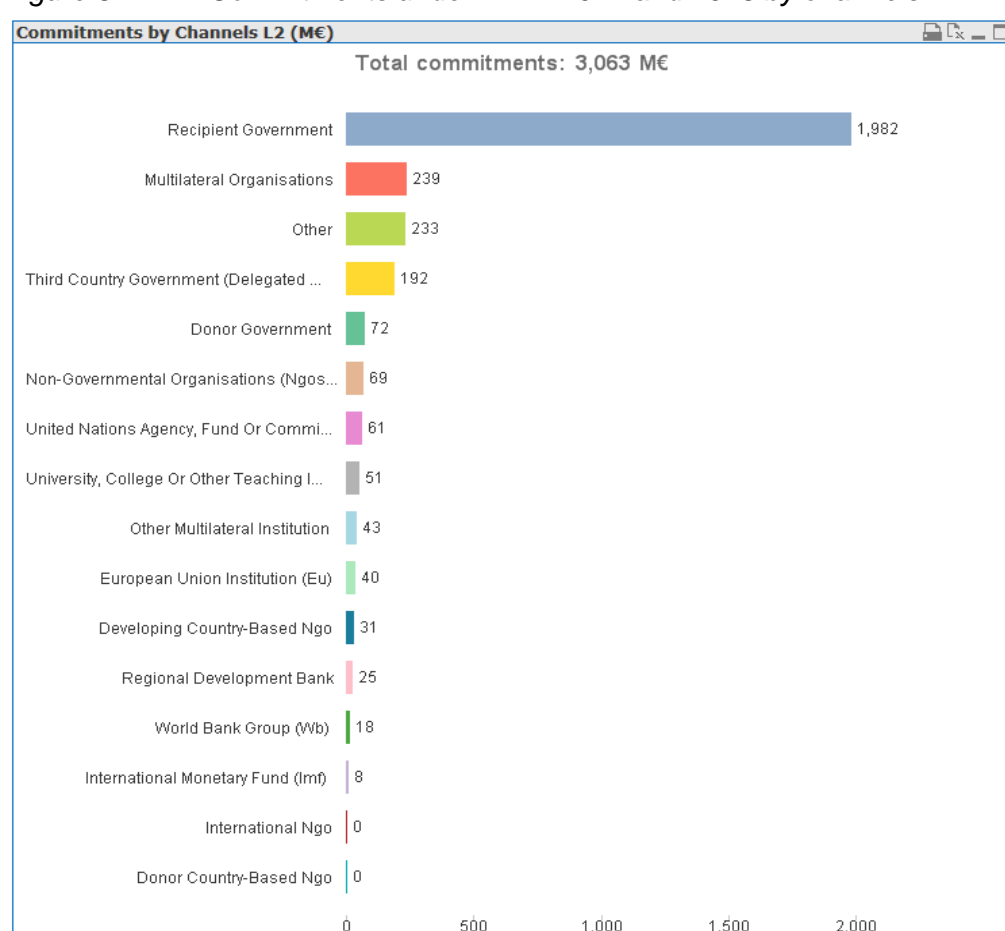
The use of country systems has increased in the Western Balkans, but this is rather a result of the general evolution of IPA I and, more recently, the IPA II sectoral approach (and its parallel requirements for national strategies and control of the development activities by the beneficiary country). The Financial Regulation but also the CIR (Art.4 para 2) can be credited with the provision of sectoral budget support and the details of its implementation. The introduction of sectoral budget support in pre-accession assistance is confirmed by all interviewees as an innovative element that fosters ownership and policy dialogue (also within national institutions) already during its planning and preparation. However, there is no significant impact directly attributable to the CIR.

Overall, ownership in IPA II is linked to the perspective to move beyond EU integration towards EU membership. As witnessed in IPA I, the use of the indirect management mode by the beneficiary country (previously decentralised implementation system) has been an element fostering also ownership of IPA funds.

Compared to the IPA I period, the number of countries operating at least partially under the indirect management mode has increased to five (Albania, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey). In 2015 in Turkey, 80% of the funds were indirectly managed, while 10% in Albania. Serbia serves as an example of a country in which the indirect mode is being gradually and conditionally introduced.

IPA II allows in principle more flexibility in applying different management modes as demonstrated for instance already in the 2014 annual action programmes. This flexibility is likely to be increasingly applied in the future. For some IPA II countries already operating under indirect management mode this could also mean temporarily a significant departure from the indirect mode, at least for certain sectors or intervention areas. Statistical data on IPA II channels (for “use of country systems”) is presented below:

Figure 8 Commitments under IPA II 2014 and 2015 by channels



Source: Dashboard data IPA II for 2014 and 2015.

The available data refers to commitments made for 2014 and 2015. The figures clearly show a high use of country systems in the IPA II countries. However, the figures are dominated by Turkey which is characterised by both a high volume of absolute funding (compared to the Western Balkans as a region and its individual countries) as well as by the fact that a large amount of Turkish IPA funding is channeled through indirect management modes with the beneficiary country. The situation is particularly different for countries like Bosnia-Herzegovina and Kosovo, where the use of direct management mode still prevails. As data covers only 2014/ 2015, an “increase” is difficult to assess, but the information still is interesting to show the current “status quo”.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IcSP

Not relevant for the IcSP. The IcSP could in principle channel assistance through country systems in so far as it can legally finance sectoral or general budget support (with the appropriate caveats), or contribute to national funds set up by partner countries. However, the IcSP does not normally channel funds through country systems, nor are its actions subject to the same co-management regime with the partner country. The evaluation found no cases where IcSP funding was channelled through country systems.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

INSC

According to the Project Managers of DEVCO B.5⁸⁴, there have not been significant changes from INSC-I to INSC-II as regards the promotion of ownership. Yet they acknowledge that the evolution within the instrument from assisting operators and regulators in the early years of INSC-I towards exclusively assisting regulators has implicitly increased good governance. Although it already existed prior to INSC-II, promoting ownership has been more extensively expressed on paper (e.g. in the ADs) since INSC-II. However, according to the Project Managers of DEVCO B5, the independence of nuclear regulators represents a major problem.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

GD

Although the CIR puts a renewed emphasis on this principle of ownership, the use of country systems has not increased post-CIR as the GD is exclusively implemented through Sector Budget Support (both before and after 2014).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

PI

Promoting ownership is not a primary goal of the PI, especially in relation to the use of country systems.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EDF

The evidence collected so far is insufficient to provide an answer to this question. The main challenge is that no detailed data for the EDF has been found on the use of country systems. Instead we have used GPEDC data on indicator 9 which shows that, on average, the use of country systems by the EU Institutions (all EFIs) decreased slightly between 2010 (47.9%) and 2015 (45%). The data is not broken down by EFI.

This analysis can be complemented by looking at the use of country systems in individual developing countries. GPEDC data shows that there was an increase in the use of country systems in developing countries where the EDF is active. In 2015, the average for all 54 EDF countries reporting to the GPEDC was 41.7%, compared to 34.4% in 2010. If we only look at EDF countries reporting both in 2015 and in 2010, the figures are 41.3% and 34.4% respectively. In comparison, the average for all countries reporting to the GPEDC was slightly higher even if progress in percentage points was less significant: 50.8% in 2015, compared to 44.7% in 2010.

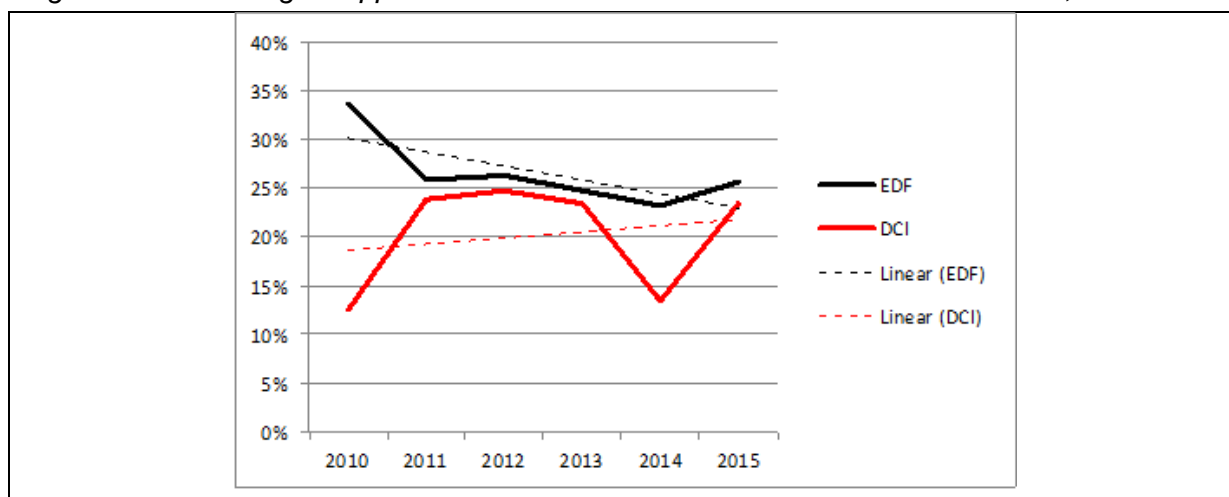
Unfortunately, the number of donors operating in each developing country means that, based on existing information, it is not possible to assess the specific performance of the EDF. Secondary sources suggest that the performance of the EDF is better than that of the Development Cooperation Instrument (DCI), especially in countries using budget support since budget support is implemented using country systems.⁸⁵ Comparative data for 2010-

⁸⁴ Interview with DEVCO B.5, 13 October 2016..

⁸⁵ OECD (2012) EUROPEAN UNION. Development Assistance Committee (DAC) PEER REVIEW 2012.

2015 on budget support disbursements confirm that budget support was used proportionately more by the EDF instrument than by the DCI in 2010 (34% against 12% of total disbursements for the respective instruments) but, as illustrated in the figure below, since then, budget support disbursements as a share of total disbursements have increased steadily for DCI, whilst decreasing rather sharply for EDF, at least until 2014. After 2014 the share of budget support in total disbursement has increased sharply for both instruments, but for EDF we are not yet at the highest level reached in 2010. Whilst budget support is of course not the only implementing modality using country systems (programme aid and some basket funds might also use at least partially if not totally country systems), it does give a good indication of the trend in the use of country systems and of the latest developments, which appear positive.

Figure 9 Budget support disbursements as a share of total disbursements, 2010-2015



Source: Dashboard. Please note that these budget disbursements include also small amounts for complementary support activities, which are usually not disbursed using national country systems.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

1.3.4 Involvement of stakeholders in beneficiary countries (Art. 4 (11) and 15)

Evidence Summary

There is abundant evidence from DCI, EIDHR, ENI, IPA, IcSP, PI and EDF that the EU actively seeks to provide strategic support to CSOs as domestic governance actors and give a more meaningful role to non-governmental stakeholders in the preparation, implementation, monitoring and evaluation of EU cooperation policies and programmes. The best examples of coherence and complementarity between governmental and non-governmental support and even between EFIs are in this area. Such interfaces have been a long tradition. Specific provisions in the CIR (Art 4 (11) and 15) provided an additional legal underpinning to these endeavours and various provisions on eligibility and contracting provided additional incentives for CSO stakeholder involvement (see section 4 on efficiency). There is evidence of beneficiaries' participation in the design and implementation of EIDHR financed interventions at strategic and implementation level, although some beneficiaries raised concerns in this regard, as they were not sure, if their voices had been heard.

DCI

Engagement with stakeholders in partner countries has been a long tradition for the EU, but the focus has to a large extent been on CSOs, as they are regularly involved in dialogue and consultations.

The CIR also calls for involvement of LAs in consultations, but this has happened to a much lesser extent than with CSOs. The same comment applies to involvement of the private sector, which is only mentioned in a few EAMRs of 2013 and 2015. Similarly, there are only a few explicit mentions of women's organisations being represented in consultations.

In a significant number of countries, engagement with CSOs and LAs is made difficult by government's restrictions. The EU may nevertheless support CSOs, but their direct involvement in policy fora may be difficult (e.g. in Bolivia).

There is no indication that the CIR fostered a more meaningful role for non-governmental stakeholders in the preparation, implementation, monitoring and evaluation of actions, tools, timely access to relevant information and better targeting and designing of actions. On the contrary, a comparison between EAMRs of 2013 and 2015 shows that there was less involvement of these stakeholders in dialogues with partner governments than in 2013. The CIR seems not to have been the decisive factor that either improved or hindered the delivery of the instrument objective in this regard.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EIDHR

There is evidence of beneficiaries' participation in the design and implementation of EIDHR financed interventions at strategic and implementation level, although some beneficiaries raised concerns in this regard.⁸⁶ Consultation with civil society is a legal requirement, specifically dealt with in Article 3 (4) of the EIDHR Regulation, which states: 'The Union shall seek regular exchanges of information with, and consult, civil society at all levels, including in third countries'. With this in mind, DEVCO and the EEAS held numerous consultations with civil society in the process of developing the Multiannual Indicative Programme (MIP) and annual action plans (AAPs)⁸⁷. DEVCO also holds regular consultations with civil society, including during the EIDHR Forum, for the March 2016 Civil Society Forum in Brussels and various other consultation fora, political dialogues, daily meetings with HRDs and consultations with regional organisations. DEVCO senior staff also participate in other organisations' seminars and meetings and consider project reports and requests from HRDs at risk on a daily basis – all of which feeds into the development of MIPs and AAPs⁸⁸ as well as the design of local and global calls for proposals⁸⁹. Although there are no clear statements in the MIP or AAP dealing with any consultative processes, the AAP (2014) and multiannual action plan (MAAP) (2016-17) do include clear indications of beneficiary participation in the design and implementation of EIDHR financed interventions at strategic and implementation level⁹⁰. Beneficiaries such as the EUIC, ICC, OHCHR that receive operating grants under the EIDHR are consulted too, since the Action Documents covering these are developed through a process of negotiation that ensures that their needs and views are adequately taken into account⁹¹. Stakeholders confirmed that there were consultations with CSOs, Member States (MS) and other beneficiaries and stakeholders during formulation of the MIP.

⁸⁶ To deal with this indicator, the evaluators first considered the MIP (2014-17) and a sample of AAPs (the 2014 AAP and the MAAP 2016-17) to determine whether there was any evidence of beneficiaries' participation in the design and implementation of EIDHR interventions. Questions in this regard were also posed to stakeholders, including beneficiaries.

⁸⁷ Stakeholder interview.

⁸⁸ Stakeholder consultation.

⁸⁹ This was not borne out in Pakistan though, where the EUD stated that they were not consulted in the design of the global calls that include Pakistan as one of the countries to be covered (for example, the call related to GSP+), and neither were they consulted during the selection of projects to be funded, although they were aware of the process.

⁹⁰ For example, the summary document for the 2014 AAP states that information sessions were held with Civil Society, European Parliament and Member States and that Civil Society was formally consulted on 11 December 2013 (page 3). The Summary also refers to various evaluations of EIDHR projects conducted in previous years and notes that '(t)he recommendations from evaluations and impact assessment have been discussed with Member States, European Parliament and civil society stakeholders, to see how to include evaluation results in the programming and implementation of the Instrument. The present work programme reflects all these recommendations' (page 5). In the Action Document for the CBSS under the MAAP (2016-17), it is noted that possible topics for support include 'multi-party agreements and draft legislation, after CSO dialogues, for boosting women's participation in political life; party platforms ... (and) greater decentralisation' (page 8).

⁹¹ Stakeholder interview.

Some stakeholders (MS and beneficiaries in both Brussels and during country visits) noted that the consultation process is usually based on an already developed MIP or AAP rather than soliciting views in advance and that the process is closer to a validation rather than a consultation⁹², although it must be noted that one MS in particular reported that suggestions they made for the implementation of the MAAP during 2017 were indeed taken into account⁹³. NGOs consulted also noted that there is no feedback on the extent to which their input has been taken into account and that they have no real input into decisions as to which actions are eligible for funding. DEVCO are aware of the issue but point out that the consultation process is embedded in the overall European Commission (EC) procedures for all EFIs and that deviations are therefore not permitted – but that the ‘ideas’ are shared and discussed with CSOs in various ways prior to finalising the programme. In addition, DEVCO consults with a wide range of organisations, MS and other stakeholders working in very different sectors and with differing priorities, and, as a result, it is not possible to take every opinion into account. Overall though, CSOs consulted in Brussels and during country studies agreed that the quality of the draft documents put forward for consultation was sound, and there were no examples provided where stakeholders disputed the priorities put forward in the planning documents.

When it comes to beneficiary participation during implementation, the MIP states that ‘the implementation of EIDHR activities in countries is based on the relevant policy analysis and thematic priority setting provided in the EU human rights country strategies’⁹⁴. With regard to EOMs in particular, the MIP requires findings to be presented and discussed with partner countries’ institutions and with civil society⁹⁵. Support is also envisaged to CSOs to participate in human rights dialogues in third countries⁹⁶. The MIP envisages a mid-term review (the current process) into which the current evaluation will feed and during which beneficiaries will indeed be consulted and which in turn provides beneficiaries’ an opportunity to participate in the further implementation of the EIDHR.

Importantly, the EIDHR includes a reference to the rights-based approach (RBA) in Section 7 of the preamble⁹⁷. Although the RBA is meant to underpin all EU development assistance, it is a relatively new concept and is not always taken into account when designing programmes under other EFIs. The EIDHR is the first instrument to include a direct focus on the RBA, and support is currently being provided to ensure that all EIDHR actions comply with the RBA – which includes ‘participation and access to the decision making process as one of the five key principles (see text box below).

Box 2 The Rights Based Approach to Development

The RBA is a relatively new concept with different development partners (DPs) having different understanding and definitions as to what it means (although all are similar to some extent)⁹⁸. The EU first began considering a rights based approach in 2012⁹⁹ leading to the

⁹² Stakeholder interviews.

⁹³ Stakeholder interview (MS), 18 November 2016.

⁹⁴ Page 6.

⁹⁵ Page 19.

⁹⁶ Page 21.

⁹⁷ ‘In accordance with the EU Strategic Framework and Action Plan on Human Rights and Democracy, in order to integrate human rights principles in the implementation of this Regulation the Union should apply a rights-based approach encompassing all human rights, whether civil and political, economic, social or cultural’.

⁹⁸ Although most DPs use the term ‘human rights based approach to development’, the EU prefer the term ‘rights based approach’. The rationale for this is presented on page 7 of the tool-box, which states: ‘The Council Conclusions refer to a Right Based Approach (RBA), encompassing all Human Rights. The disappearance of the “H” should not be understood as a downgrade in terms of Human Rights and a weakening of the EU commitment towards upholding them. On the contrary, the

development of a 'tool box' on 'A Rights-Based Approach, Encompassing All Human Rights For EU Development Cooperation' adopted by the EU Council of Ministers on 19 May 2014¹⁰⁰. As set out in the introduction, the tool-box:

- Describes what an RBA to development is by highlighting its core concepts and their rationale, clarifying common misunderstandings, introducing relevant legal references and other donors' commitments.
- Describes how to systematically apply an RBA into EU development cooperation, which objectives to pursue, which working principles to apply, and how to integrate a RBA in the implementation of the programming and in each phase of the EU project cycle management.
- Provides a checklist to be compiled and offers support measures for EU staff in headquarters and Delegations to support the implementation of the new approach.

According to the tool box, the RBA: *'Seeks to strengthen the duty-bearers capacity to fulfil the rights of the right holders and the preparation of the support should be conducted in a participatory and transparent way that reinforces ownership. It reinforces mutual accountability and management for results. Moreover, an RBA strengthens the ownership of target groups, by moving de facto from government ownership to a meaningful and inclusive national ownership, based on the quality of the relationship between rights holders/citizens and the state. All citizens should be able to participate in the establishment of the national strategies and the international human rights legal framework can be used to identify common priorities both for donors and recipients.'*¹⁰¹

With that in mind, the RBA has five key principles¹⁰²:

- Applying all Rights (legality, universality and indivisibility of human rights).
- **Participation and access to the decision making process.**
- Non-discrimination and equal access.
- Accountability and access to the rule of law.
- Transparency and access to information.

According to the 2015 AAP, 'This new EU commitment further emphasizes the importance of the synergies, coherence and complementarity between the EIDHR and other EU development instruments.'

The EIDHR Regulation recognises the importance of the RBA in Section 8 of the Preamble, which states that 'In accordance with the EU Strategic Framework and Action Plan on Human Rights and Democracy, in order to integrate human rights principles in the implementation of this Regulation the Union should apply a rights-based approach encompassing all human rights, whether civil and political, economic, social or cultural.' Consequently, the RBA has been increasingly mentioned or dealt with in various action plans under the EIDHR – For example:

- There is a reference to the RBA in the Summary of the Special Measure for 2014.
- It is mentioned as a cross-cutting issue in the support to NHRIs in the 2014 AAP.
- It is again referenced in the summary to the 2015 AAP and in the Action Document for Supporting Democracy - Media and freedom of expression in the framework of the pilot

reference to an RBA goes beyond the formally recognised Human Rights, to include other types of rights, such as intellectual property rights, basic economic and social delivery rights as well as sexual and reproductive health and rights. An RBA therefore is an approach covering a broader category of rights than those covered by an HRBA'.

⁹⁹ The RBA is mentioned in the EU Strategic Framework and Action Plan on Human Rights and Democracy, adopted by the Council on 25 June 2012 (COM(2011) 886 final), which includes an Action Plan on Human Rights and Democracy that includes 'Working towards a rights based approach in development cooperation'.

¹⁰⁰ SWD(2014) 152 final.

¹⁰¹ Page 9.

¹⁰² Page 17-19.

exercise for democracy' under the 2015 AAP

- In the 2016-17 MAAP, there is a reference to the RBA in the CBSS and the action document for Supporting Key Actors – the European Network of National Human Rights Institutions (ENNHRI) action document, as well as various references to a 'human rights approach' in other actions.

The RBA is also mentioned as a requirement in the EDF and DCI. However, implementation of the RBA under both the EIDHR and other EFIs and in other programmes has been relatively slow to date. To address this, a service contract has been awarded to the Nordic Consulting Group under the EIDHR to increase compliance with the RBA in all EU development assistance. The contract is for an amount of EUR 1.43M for a period of 24 months, from December 2015 to December 2017 and foresees three types of technical assistance: a) country and context-specific training and guidance on RBA, with a focus on support to EUDs, b) training on human rights defenders for EUDs, and c) the provision of technical assistance in the process of local calls for proposals, including at the assessment stage. One of the key objectives is to train staff of 25 EUDs by the end of 2017, including in the use of the 2014 Toolbox. As at end September 2016, nine EUDs had been trained with a plan to reach at least a total of 10 EUDs by the end of 2016¹⁰³. Training on HRDs has also been prepared and the first training on HRDs is planned at the Delegation to Bolivia on 2 December. The primary target group for the trainings are Delegation colleagues working on HRDs.

One component of the Human Rights Support Package includes assistance in assessing EIDHR proposals under the CBSS. So far, such assistance has been provided to Delegations in Liberia, Tanzania, Mauritania, Nicaragua, Panama, El Salvador, Paraguay, Burkina Faso, Ecuador and Uruguay and is planned for Delegations in Guinea-Bissau, West Bank/Gaza Strip, Israel. Although it was envisaged that training would also be provided to thematic units at HQ, the focus in the last quarter of 2016 has instead been to integrate the RBA into Brussels-based B1 trainings for Delegations on democracy support; mainstreaming of women's, children's and disability rights; justice and anti-corruption. Training for thematic units will be carried out in 2017.

Both the 2016 Global Call and calls for proposals under the CBSS also now require applicants to follow the RBA.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

ENI

In the South, EUDs are attempting to increase the involvement of local stakeholders, i.e. CSOs and LAs, by developing contacts with networks of CSOs/NGOs or associations of LAs. This is undertaken firstly by EUDs but HQ staff is also attempting to meet more CSOs during their missions. Consultations are developed mainly during the programming phase, less so during implementation, monitoring and evaluation of actions. New approaches or methodologies for involving CSOs/LAs more deeply in comparison to ENPI were not indicated by interviewees. Tunisia emerged during recent years as a model, as did Lebanon to a lesser extent. In the case of governments with weaker democratic inclusiveness (Egypt, Algeria and Libya/Syria), the consultation of CSOs is limited in scope and content but still constitutes an EU-specific added-value and a message to governments on the importance of EU values in its cooperation. Due to the difficulties (financial and administrative) faced by CSOs to continue their activities and due to their lack of involvement in policy dialogue with the government, their inputs in consultations organized by EUDs are limited in scope and content.

In the East, the civil society is potentially more vibrant and opportunities opened by national authorities to develop it even further are seized rather quickly. Bilateral programmes (mainly budget support) have not yet succeed in increasing the role played by CSOs and LAs in their

¹⁰³ Delegations to Botswana, Burkina Faso, Ecuador, Bolivia, Honduras, Guatemala (at Honduras training) West Bank/Gaza Strip, Israel and Peru have been trained to date.

preparation, implementation and monitoring with the exception of Georgia (on agriculture for instance). Regional programmes now involve CSOs (through a forum) in identifying priorities and, though to a lesser extent, in implementing activities. There is a strong division between activist NGOs and the ones focusing on service delivery, even though both are being financed by donors. Umbrella NGOs are intermediaries for grass-root organizations and supported to engage in structured and decentralized consultations. CSOs are increasingly playing a meaningful role in the preparation of the ENI programmes. When the programme allows it (like agriculture in Georgia with cooperatives), grass-root CSOs are involved.

CBC projects are different in this respect, with a large participation of local stakeholders, including LAs, in the preparation and implementation phases.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IPA-II

IPA II takes a stronger attempt to increase the involvement of local stakeholders, compared to its predecessor programme.

There is no strong evidence that this has happened in the overall strategic planning of IPA II, however. This is linked to practical constraints such as the relatively limited timeframe for planning and programming of IPA II actions, particularly for the 2014 programme which represents a transition from the project to sector approach. Emphasis is still put on a more integrative and consultative approach during the programming process of IPA II funds. In particular, the involvement of CSOs is strongly promoted by EUDs, but to an increasing extent also by NIPACs. Involvement of CSOs in implementation and monitoring of IPA II has still to develop in line with the progress in contracting and realising IPA II actions and in setting up IPA II monitoring structures. However, there have been a couple of examples where CSOs participate in the monitoring of IPA assistance (usually as observers in monitoring committees), even if this is still related to the implementation of IPA I.

As concerns the involvement of local authorities, the picture is mixed. They are involved when it comes to actions related to local development or CBC. CBC actions are characterised by a large participation of local stakeholders, including local authorities, in the preparation and implementation phases. Based on evidence from the available CBC programme documents, IPA II has been using also the public consultation process during the definition of new programmes, which confirms an increased involvement of the public. Otherwise, local authorities are often involved indirectly through their own associations.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IcSP

Involvement of local stakeholders throughout different stages of actions is a feature in most IcSP actions, in line with art. 9 of the IcSP Regulation that makes consultation with civil society a legal requirement. In many instances, the IcSP works primarily with civil society (and/or local authorities), as the Instrument is not bound to work with or through the beneficiary state. Depending on the nature of activities and the targeted stakeholders, the Instrument works, however, with state and non-state actors, and seeks ownership, partnership/participation of local stakeholders accordingly. Partnerships between local and international actors were seen in 66% of actions surveyed.

There is evidence of involvement of a wide range of stakeholders throughout different phases of IcSP actions, but depending on the type of interventions and objectives identified, actions may or may not target non-state actors. Some actions in art. 5 f.i. are targeted mainly at state actors and aim at state ownership of regional/trans-regional efforts, while art. 4 actions typically target CS stakeholders. Art. 3 actions may target one or the other, or both.

The extent to which local stakeholders have been engaged early on and throughout the different stages of the actions, and timely information was provided appears, however, to vary across actions and contexts. Some evidence point to an unequal involvement of local authorities (i.e. lesser consultation during the implementation stage), depending on who the IPs (e.g. Niger, see below). But other factors/conditions were said to influence the extent to which local stakeholders are involved, namely: the political and security context (access and

security concerns have impacted on frequency of dialogue with stakeholders at local level); pressure to respond quickly to EU political commitments, especially under short-term actions; the entry points the IcSP chooses to engage with at political level; implementing partners' capacity, local networks and presence in situ; local stakeholders' capacities to engage; political/policy decision-making processes in partner countries; management issues (e.g. complexity of EU procedures and financial reporting rules; centrally decided actions tend to be more disconnected from local contexts and stakeholders).

Too few IcSP evaluations were available to assess the extent to which local stakeholders have been involved also at this stage of actions. Evidence from Niger shows f.i. that local authorities are involved in the monitoring of actions.

Neither the CIR or Art. 9 of the IcSP Regulation appear however to have had a significant impact in terms of how the Instrument is applying these principles – no evidence was found in that regard.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

INSC

No further information

GD

Although both the CIR and the GD implementation rules 2007-2013 state that local authorities and civil society should be consulted, the CIR puts a renewed emphasis on the consultation of civil society and local authorities. The field mission to Greenland revealed, however, that civil society and local authorities do not feel that they are currently sufficiently consulted.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

PI

On point 1, evidence from case study fieldwork confirms the partnership approach is, as would be expected, at the heart of the Partnership Instrument. More specifically representatives of partner country institutions and members of their staff agreed to participate in the case studies for which fieldwork was conducted in six countries as part of the mid-term evaluation of the PI. The representatives of partner country institutions (which included government agencies within partner countries, CSOs, and implementing partners) made themselves available for interviews with the evaluation team, even in countries and on projects where relations are delicate, for example in China. A high level of commitment and time was also provided by EU Delegations based in the countries visited, and by others who participated in telephone interviews during the evaluation.

Specific feedback from partner countries in these interviews confirmed a high level of satisfaction with the roll out of the PI action, as well as with their role and expectations for involvement. The sense of collaboration and partnership through the PI is clear. Feedback from partner institutions in China, India, Mexico and Argentina also confirmed that these institutions were satisfied that there were sufficient opportunities to contribute to the design and implementation of the PI actions. This finding reflects the extent that the Delegations are promoting the sense of partnership and mutual interest as the underpinning work on the PI.

Project implementers are conscious of the 'absorption capacity' of their counterparts in the partner country authority, for example where the partner authority has limited resources to allocate. This means that plans for roadmaps, and for specific activities, are signed off with partner governments and stakeholders to ensure both their feasibility and the perception of a win-win approach (consistent with the principle of mutual interest that is at the heart of the Partnership Instrument). In practice, some actions are really about furthering the interests of the EU. Anecdotal evidence from project implementers confirmed that, for example, if a partner country considers that the timing of a specific activity is inappropriate, a more flexible approach is taken and the activity is typically postponed to a more convenient date. The level of engagement of partners is also considered to be confirmed when country partners commit specific resources to the implementation of the action. A specific example of this financial

engagement relates to partners covering the costs of travel and accommodation of staff members attending training and / or information events.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EDF

Before examining the evidence to answer this question, it is important to mention that the direct or active role of civil society organisations (CSOs) and local authorities (LAs) in the preparation, implementation, monitoring and evaluation of EU actions is not explicitly stated in the EDF implementation regulation or the identification and formulation instructions accompanying the action documents for the EDF. These documents foresee the following roles for CSOs and local authorities (LAs):

- recipients of support ('empowerment')
- consultative role at time of programming
- participative role in development
- external oversight responsibility for development.

If civil society (CS) has a role to play in the project cycle it is because it has a role to play in participating in the partner country's domestic policy. This is indeed what is found when looking at the interactions between the CS and the EU in ACP countries.

Looking first at the 10th EDF and then comparing the way the 11th EDF is set up to perform, a definite evolution is noticeable. The **role of the CSOs in the programming phase** is fairly clear. This role ranges from simple consultations to active participation: evidence is found in the National Indicative Programmes (NIPs) and confirmed by the evaluations of 10th EDF and the four country visits conducted so far. Our review of the role of CSOs in the 10th EDF is based on a review of country and regional strategy evaluations. A first observation is that more than a third (39%) of the 23 country strategy evaluations reviewed did not look into the issue of CSO consultations or their participation in the preparation, implementation, monitoring and evaluations of actions. This finding in itself illustrates the relative lack of importance of the subject in EDF 10 preoccupations. A second finding is that from the 13 evaluations that did review this aspect, a majority noted that the EU had involved CSOs at these different stages but 6 (or 38%) found that either no, very limited, or insufficient efforts had been made to involve CSOs. This confirms that CSO consultations during the 10th EDF were not (yet) systematically a high priority for EUDs.

Pushing several years forward, to 2015 and 2016, one notes that attention to CSOs and their participation in the programming and project cycle has increased substantially: in the same 23 countries reviewed, only two countries report in their External Assistance Management Reports (EAMRs) that working with CSOs has not been possible or very limited and this was because of the political situation (Mali and Burkina Faso). All other countries report multiple instances of consultations and dialogue with CSOs as well as projects that directly or indirectly support CSOs or use them as an implementing agency; in two countries (DRC and Timor Leste) it is noted that working with CSOs is still difficult because of their weaknesses. In all others, the EU appears to have active partnerships with CSOs. The extent to which these relationships are also valid for local authorities is not explicitly addressed in the EAMRs. Naturally these findings need to be interpreted in a context of internal reporting of the EC and could be subject to some bias. However, the findings were broadly confirmed by the country visits of the EDF performance review team which evidenced substantial effort to engage with CSOs during the EDF programming stage (see below).

In terms of **support provided to CSOs**, it can be noted from the 11th EDF programming allocations that almost a third of the 25 countries with an active relationship with CSOs do not actually support them financially. However, this means a large majority, more than two thirds, do provide financial support to CSOs in addition to involving them in the consultations. Looking at the wider picture of 11th EDF programming overall (all 84 countries and regions), a small majority (58%) of 11th EDF programmes contain specific envelopes for supporting CSOs but this amounts to a total of €386m or 67.8% of all support to be provided to CSOs during the Multi-annual Financial Framework (MFF) 2014-2020 (figures communicated by DEVCO B2 for DCI, EDF, ENI and IPA). Whilst many envelopes are relatively small, some

countries have set aside very large CSO support envelopes: Ethiopia €52m; Uganda €25m; Sierra Leone €30m; Mozambique €22m; Burkina Faso €21m; Cameroon €20m. It is not known what form this support takes and to what extent it will support other existing NIP programmes or take the form of stand-alone operations. A more detailed analysis of the EDF Performance Review field visits is expected to throw additional light on this. Information provided by DEVCO B2 shows that most of the larger allocations fall under the governance focal sector. A draft Concept Note drafted by the Roadmap Facility (prepared by EPRD, June 2016) suggests that most of the 11th EDF CSO support programmes currently in preparation follow the same lines as those of the 9th and 10th EDF, without much innovation and thus without linking the new activities to the roadmaps being developed and the changing environment in which CSOs operate.

The **CSOs' role in the preparation of actions** is more diverse and less well evidenced:

- the Action Document (AD) instructions specifically highlight the need for CSO mapping and consultations but no hard evidence is provided in the AD that the CSO actually participated in designing the project or that their views were taken on board;
- the actual role of CSOs in programme/project formulation is rarely evidenced in evaluations;
- numerous consultations with CSOs are recorded in the EAMRS (but the reason for consultations is not often specified); and
- CSOs increasingly participate in the wider development process, notably through their presence in Sector Working Groups (where these exist) where sector priorities and donor supports are discussed.

In general, stakeholder consultations seem to have improved with the 11th EDF,¹⁰⁴ possibly also partly because there has been a genuine effort to develop CSO roadmaps since 2014 as a follow up from the 2012 Communication which has required specific attention to be paid to the understanding of how CSOs operate in country, to their mapping, their strengths and weaknesses etc.

However, this increased attention paid to CSOs is in contradiction with some of the initiatives adopted as part of DEVCO's "simplification process" such as the increase in the size of grants. The field visits underscored a concern from a range of stakeholders (the Delegations, the Member States (MSs), donors, and CSOs themselves) that large grants are inaccessible to small grassroots local organisations. The result is that these grants are either 'managed' by Project Management Units (PMUs) staffed by international experts or 'delegated' through larger international CSOs. The extent to which this then effectively strengthens CSOs' capacity in terms of their own activities (as opposed to strengthening their capacities to respond to EU calls for proposals) is not ascertained. In addition it poses the disadvantage that it limits the amount of direct engagement of the EU with these organisations which can have important advocacy roles.

The **CSOs' role in implementation and monitoring** is probably most adequately evidenced by the allocations made in the NIPs which show, depending on the country, that CSOs will mobilise 1.6% of the total 11th EDF allocations and as high as 18% of the national allocation in Botswana, for example.

Finally, no quantitative evidence could be found to show the role of CSOs in the monitoring and evaluation of actions. However, indications from DEVCO B2 analysis, which is confirmed by the few anecdotal examples from the field missions undertaken so far, are that CSOs are increasingly seen as, and used for, the purpose of monitoring the results of public policy implementation. This is in line with the implementing regulation for the 11th EDF which highlighted the role of CSOs in accountability and external oversight. Finally, the development of the CSO roadmaps provides a tool that could, in time, provide a basis for better targeted, more coherent and improved design of actions in support of CSOs.

¹⁰⁴ Confirmed in Aruba, Cameroon, Burkina Faso and at regional Caribbean level.

Evidence emerging from **discussions with CSOs in the countries visited for the EDF Performance Review** seems to confirm these findings. The emerging messages (this is a very preliminary set of observations, which still needs to be further triangulated during the remaining evaluation period) are that:

- CSOs have been systematically consulted for the 11th EDF programming in so far as they have either had a fairly active participation in the discussions or they have been informed of the 11th EDF priorities without however really being actively associated in the programming process (Cameroon, Aruba, Burkina Faso, Zambia and Timor Leste).
- CSOs, through their presence in sector working groups where these exist, are able to participate in sector discussions where the government and donors are also present; to that extent, and where it happens, they are consulted on technical and policy matters or are aware of them.
- In some countries (Burkina Faso for example), CSOs and government are systematically consulted when new projects are being formulated by the EU. In Cameroon, the 11th EDF has also started setting up formal steps for CSO consultation. At the other end of the scale, in Timor Leste and Ethiopia, working with CSOs is difficult, in the former because the situation is new and CSOs are weak and find EDF procedures difficult to work with, in the latter because government has very strongly restricted the scope of CSO actions.
- A place is made in the NIPs for CSOs to execute (sometimes large parts of) activities within EU programmes, notably in the area of governance (budget analysis, social accountability, external oversight with respect to delivery of public services....).
- The extent to which CSOs are supported themselves for undertaking their own activities, rather than being used as implementing agents for EU-funded activities within EU projects, seems to remain extremely limited. This is a constraint in so far as the CSOs are very often still very fragile and have little financial room for manoeuvre to undertake advocacy and analysis on what they consider priority issues.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

1.3.5 Use of more coordinated methods of working (division of labour) (Art 4. (3) 3rd paragraph and Art. 4 (9))

Evidence Summary

EFI evaluation teams did not provide sufficient information on forms of coordinated working mentioned in the CIR (Art. 4(3) and Art. 4 (9), viz. contributions to international, regional or national funds, with a view to attracting joint financing from a number of donors. Article 4(9) only refers to parallel and joint cofinancing.

DCI and EDF evaluation teams report on Joint Programming, i.e. division of labour between the EU and Member States and among Member States. Despite progress, Joint Programming has not reached its full potential. This is in part because of relatively high transaction costs as between donors, Member State concerns over visibility, and the fact that Joint Programming remains largely an EU-MS exercise with relatively little involvement of partner governments.

Evidence from ENI and IPA countries shows that coordination of external assistance does not necessarily mean division of labour. In Eastern ENI countries, establishment of a donor matrix has been attempted but not fully implemented. In IPA countries it has been tried to establish Sector Working Groups with partial success.

There is no evidence that the provisions in the CIR were of significance in developments related to Joint Programming.

N.B.

The ToR Attachment 1, under the heading “Promoting effective and efficient implementation methods” contains the question: Has there been an increase (volume) in use of more coordinated methods of working (i.e. division of labour) since CIR rules have been in place?

Reference is made to art. 4 (9) concerning parallel or joint co-financing. The link to the EFI ToR takes a broader scope and refers to general principles of aid effectiveness such as joint programming.

The CIR only contains scant references to more coordinated methods of working (division of labour). Article 4 (3) 3rd paragraph mentions contributions to international, regional or national funds, with a view to attracting joint financing from a number of donors. Article 4(9) only refers to parallel and joint co-financing.

The question in the TOR is hence broader than what is covered by the CIR. It also produced a variety of responses from the EFI evaluation teams. DCI and EDF teams dealt with joint programming, the IcSP team looked for parallel or joint co-financing, while ENI, IPA and INSC teams identified various forms of cooperation at country level. GD and PI did not find the question relevant for their instruments.

Evidence produced by the EFI evaluation teams has been used to the extent that it addressed the ground covered in the CIR, viz. contributions to international, regional or national funds, with a view to attracting joint financing from a number of donors. Article 4(9) only refers to parallel and joint co-financing. Evidence on Joint Programming, i.e. division of labour between the EU and Member States and among Member States, not covered by the CIR, has not been taken into consideration in the CIR evaluation.

DCI

For the last 10 years, complementarity and synergies between the EU and Member States is mainly sought through the long-standing practice of joint programming. The 2015 Annual Report of the European Commission reports that joint programming documents were finalized in only four DCI countries in 2014 (Burma / Myanmar, Cambodia, Guatemala and Laos). A forthcoming evaluation of joint programming in general may shed light on the reasons, why this type of attempt to achieve coherence remains to be relatively challenging. (...).

According to EAMRs and evaluations and also external studies conducted before 2014¹⁰⁵, while committed to the aid effectiveness agenda in high-level forums, some representatives of Member States fear that their national interests and priorities will become diluted in aid co-ordination. Based on interviews with Member States representatives both in the field and among DCI Committee members, it seems that interest in donor co-ordination and complementarity is more pronounced among Member States with small and medium-sized programmes. According to above-mentioned studies, partner countries also give EU joint programming a mixed reception. The initiative is often perceived to be cumbersome with little added value, and, in some cases, duplicating existing donor co-ordination efforts. There is a concern in partner countries that joint programming might be part of donor strategies to decrease overall aid levels.

The EU has been committed to the overall aid effectiveness agenda and in particular to adequate coordination among donors at least since 2011, as expressed in the Common EU position in relation to the 2011 High Level Forum on Aid Effectiveness, which emphasized *strengthening aid as a catalyst for effective delivery of development results and seek a new consensus on an inclusive development partnership*. At the same time, given the challenges to implement joint programming in practice, the EU with its more than 20 bilateral aid programmes and the EU's own development-oriented external action, is also a major source of aid fragmentation, a situation that needs to be overcome. This is a new commitment in the 2016 Consensus on Development Coherence. A good example of a new and promising integrated EU external action approach is the EU Emergency Trust Fund for Africa, to which the DCI makes a contribution along with other EFIs. This initiative, involving close

¹⁰⁵ Reference is made to 1) Galeazzi, Helly & Kratke, 2013, All for One or Free for All? Early experiences in EU joint programming, ECDPM ; 2. The European Parliament 2013 The Cost of Non-Europe in Development Policy: Increasing co-ordination between EU donors (European Parliament 2013); 3) Carlsson, Schubert & Robinson, 2009, The Aid Effectiveness Agenda. Benefits for a European Approach, HTSPE; 4. Bigsten, Platteau & Tengstam, 2011, The Aid Effectiveness Agenda: the benefits of going ahead, SOGES.

coordination with Member States, is the follow-up to the 2015 Valletta Summit on Migration resulting in an Action Plan. This Plan is built around five priority domains: a) Development benefits of migration and addressing root causes of irregular migration and forced displacement; b) Legal migration and mobility; c) Protection and asylum; d) Prevention of and fight against irregular migration, migration smuggling and trafficking in human beings; and d) Return, readmission and reintegration. According to HQ staff interviewed, compacts have been negotiated since the Valletta Summit with a number of countries where migrants come from (Nigeria, Senegal, Niger, Mali and Ethiopia for example), and the same approach will be attempted with DCI countries like Afghanistan and Bangladesh in the future. However Member States express concerns about the multiplication of ad hoc trust funds, in addition to which, there are issues of visibility and governance. In the case of the EU Emergency Trust Fund for Africa, member State contributions were initially disappointing (...).

Source: Draft final report EQ 5

Some 55 countries are in one stage or the other of Joint Programming as of the end of 2016, however, the number where JP has evolved into actual implementation is in the single digits. A draft final evaluation report on JP, as well as field interviews conducted in the course of this evaluation, suggest that despite progress, the full potential of Joint Programming has not yet been achieved. This is in part because of relatively high transaction costs as between donors, MS concerns over visibility, and the fact that JP remains largely an EU-MS exercise with relatively little involvement of partner governments.

Source: Revision for DCI 2nd draft of draft final report

EIDHR

No information

ENI

The CIR instruction to improve coordinated methods of working was not indicated as a driving factor by any of our interviewees, at HQ as in EUDs. The most common reference for looking for more coordination with EU MS is rather the ENP and the ENI, whether through joint assessment/programming or EUTFs. As developed elsewhere in the main text, coordination does not necessarily imply division of labour with EU MS or with other donors. Only in Eastern neighbourhood SSFs a donor matrix is presented in annexes, and not specifically followed by a statement on future division of labour or operationalization of agreed DoL. Sector analysis for priority sector present the state of play without further elaboration. In the South, none of the SSFs present a donor matrix and even the state of play is not detailed at sector level.

On another hand, DoL can be organised by the Commission by itself or even among donors. The partner countries must be committed and involved in donor's coordination, which is not the case in the South, and still rare (Georgia) in the East.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IPA-II

Overall, due to the many changes in the approach and methods of implementation of IPA II (compared to the previous period), it is difficult to separate the part directly resulting from implementing the CIR.

The CIR instruction to improve coordinated methods of working was not indicated as a driving factor by the interviewed stakeholders. The most common reference for promoting more coordination with EU MS was said to be the requirements of IPA II.

In IPA II, the sector approach model is an important tool for enhancing aid effectiveness, mostly through improved efficiency resulting from better aid coordination where the focus is put on developing and strengthening sector policies and sector institutional arrangements.

In the IPA beneficiary countries, EU funding is the predominant source of donor funding. IPA II is participating in other donor's actions to a limited extent, which reflects the current landscape of donor engagement in the Western Balkans and Turkey. IPA II national funds

are used for some multi-donor funds, both for longer-term programmes and for emergency response actions.

In this respect, Sector Working Groups (SWGs) for programming and monitoring of EU funds and development assistance have been established in line with the sector approach with the objective to ensure aid effectiveness in a specific sector. Regarding these SWGs, in all IPA II countries there is a need to improve cooperation, discussions and exchange of work experiences, preparation of recommendations and opinions with regards not just to the programming of IPA and other development assistance, but also when it comes to preparation and implementation of relevant policies and strategies within the sector.

Whilst in most of the IPA II countries a largely satisfactory degree of donor coordination has been established, coordination does not necessarily imply an (increased) division of labour with EU MS as well as other donors. The division of labour as promoted in the aid effectiveness agenda and the 2007 Code of Conduct shows mixed achievements despite the fact that it has been strongly supported by the EU in partner countries. With the departure of most international and bilateral donors and the dominating role of EU grant funding, division of labour is increasingly seen as less of an issue in the IPA II countries (except for Kosovo, where division of labour among donors and coordination is an extremely wanted – but still weak – factor today).

The most prominent multi-donor fund in IPA II is the Western Balkans Investment Framework (WBIF). The added value of IPA II or investment funds, as demonstrated by the WBIF, is the use of grant aid for infrastructure or investment projects to mobilise additional EU MS donor funds or concessionary loan funds from IFIs. Apart from the WBIF, evidence of true joint assessment/ programming is limited when looking at IPA II actions.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IcSP

No impact noted and few references made to co-financing in interviews with key informants in Brussels or during the field visits. It is normally not a practice under the short-term component of the IcSP: from a review of Article 3 actions, one was co-financed. In art. 4 and 5 programmes, co-financing is more common and in some cases central to the programme design (e.g. PCNA-PDNA, Science Centres).

For the IcSP, however, the issue of Division of labour plays more at the level of sequencing and coordination with other instruments than of shared funding mechanisms. The subsidiarity nature of the Instrument and its 'gap filling' or 'bridging' role as an Instrument of 'last resort' is enshrined in the IcSP Regulation. That cannot be measured in terms of funding volumes.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

INSC

Secondly, on donor coordination, there is a difference between INSC-I, prior to CIR, and INSC-II, after CIR. Under INSC-I, the PC was systematically asked to prepare a strategy for enhancing the capacity and effectiveness of the regulatory body and a plan for its implementation in order to minimise the risk of duplication in future. Hence, donor management and the avoidance of duplication was left with the PC. That is why one of the ADs of the INSC-I Sample, AD for Training and Tutoring (MC.03/13), mentions in its section "Donor Coordination" that "*The preparation of a Strategic Plan by each NRA as foreseen in other INSC projects will assist the partners to avoid the risk of duplication*". Under INSC-II, many structures have been put in place whereby the donors themselves deal with donor management and the avoidance of duplication (e.g. CGULs, CSJ, etc.)

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

GD

The use of more coordinated methods of working (i.e. division of labour) is not relevant for the GD as it is implemented through Sector Budget Support only (both before and after 2014).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

PI

The PI makes use of highly coordinated formal and informal processes, which ensure timely and planned engagement for example by the FPI, EEAS, EUDEL and DGs. There is no evidence from this evaluation to confirm that there has been an 'increase' in the use of more coordinated methods of working.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EDF

EU Joint programming refers to joint planning of development cooperation by the EU development partners working together. The principle is that it includes a 'joint analysis' of the country situation followed by a 'joint response' which sets out how EU development partners will provide support and measure progress – together these two products form a 'joint strategy'. The strategy can include non-EU development partners who share the principles of joint programming.¹⁰⁶ Joint programming has been prioritized by the EU since 2012, after pre-Busan studies found that aid fragmentation had increased, in particular from EU countries. This resulted in specific Council conclusions and renewed efforts from the EU to promote joint programming. As a result, joint programming has been specifically included in the EDF programming guidelines, as well as in the reporting requirements of the EU (the EAMRs), and there has been the inclusion of a standard Annex 2 of the NIPs with a donor matrix.

The Cotonou evaluation finds that *“Joint programming with Member States is on the increase”* (p.133). This evaluation mentions that *“Importantly, Joint Programming is now entering a new phase, with more ambitious objectives, including, where possible, replacing National Indicative Programmes (NIPs) with Joint Strategies, strengthening ownership and reducing transaction costs for both partner countries and development partners”* (ibid).

These findings from the Cotonou evaluation are on the whole supported by the evidence reviewed for this evaluation. Specific reference to joint programming is found in 17 out of the 25 EAMRs reviewed for this evaluation. The analysis of the NIPs similarly highlights a focus on programming with other development partners which is mentioned in 20 out of the 25 NIPs.

This evidence suggests that there has been considerable attention to joint programming under the 11th EDF. A closer analysis of the information reported in both the NIPs and the EAMRs shows that joint programming often refers to programming with other donors overall (and not only with other EU MSs) which is in line with the definition cited above.

In some cases, joint programming has been initiated a while ago (before the 11th EDF) and has been built on for the 11th EDF (e.g. Burkina Faso, Burundi, Kenya). In other cases the reference to joint programming is for the moment still forward looking (i.e. the intention is to develop a plan with other MSs) and builds on efforts that have already seen strong results in terms of better coordination (e.g. Uganda, Mozambique, Timor Leste and Zambia). In other countries (e.g. Chad, Malawi, Togo, Djibouti and Haiti) there have been good efforts in coordination and this is seen as a solid basis for ensuring that donor support (and EU support in particular) takes place in a complementary manner; however, this does not take the form of joint programming. In other countries there is simply a mention of some coordination for specific projects (Congo Brazzaville, Dominican Republic, DRC, and Jamaica).

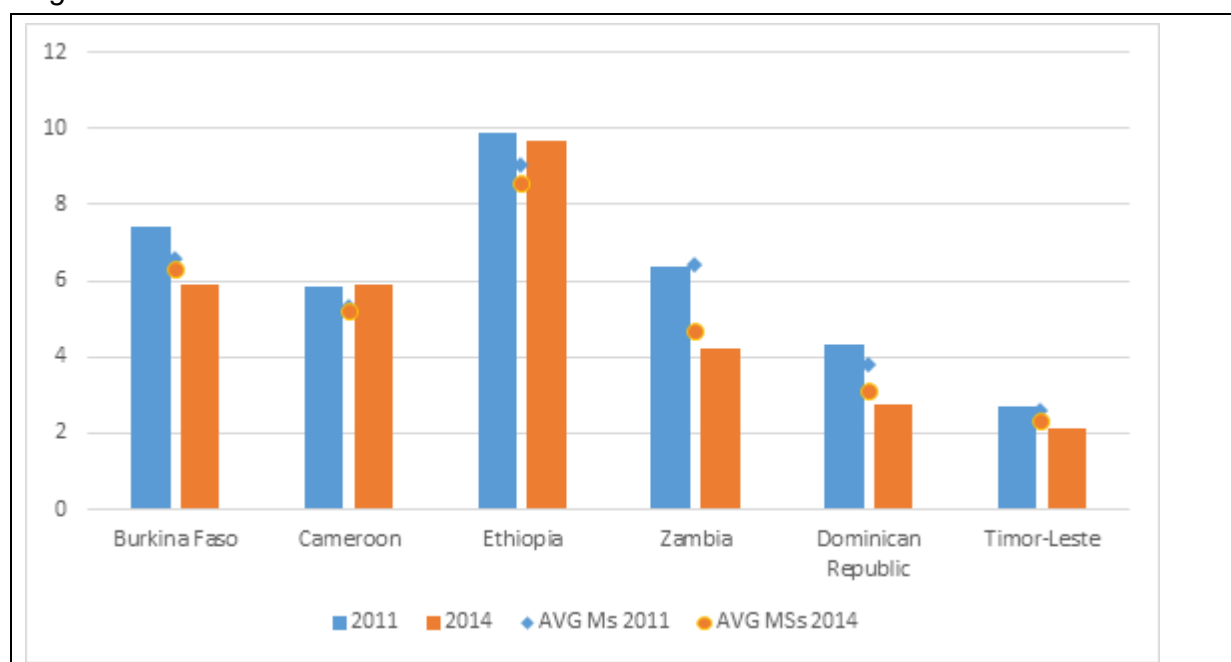
Interviews at the global level suggest that joint programming has generally improved under the 11th EDF because the EDF requires this to be done jointly with MS ... *“now it is done with the MS, which requires discussion and consensus with MS and in turn larger process for programming”* (MN14, and also MN47, MN 29). There are some suggestions that at times the joint programming is too focussed on the process and can be somewhat 'heavy handed' (MN 34). MS at global level consider it a disadvantage that programming takes place at country level while country level partners don't have the mandate to negotiate, and that by

¹⁰⁶ http://ec.europa.eu/europeaid/policies/eu-approach-aid-effectiveness/joint-programming_en (accessed 21 November 2016).

the time the joint programming goes up to the EDF committee it is too late to really make changes. (MN 34).

Comparative data on EDF disbursements in 2011 and 2014 for the sample of the EDF Performance Review case studies¹⁰⁷ suggests that the number of member states operating in the same sector as the EDF has decreased in three countries and remained approximately constant in the remaining three. The graphs also show the average number of MSs per sector in the country. This information can be used to account for any reduction in the number of donors (e.g. donors moving out of the country). Since the drop in the average number of MSs per EDF sector is higher than the drop in the average number of MSs per sector, it can be concluded that at least part of the reduction cannot be attributed to MSs moving out of the country (e.g. as a result of decreases in aid volumes). Some caveats apply. The graph is based on disbursement data. This means that these figures reflect only a very small portion of the EDF 11 funding. Also, because disbursements can take place over a number of years after the commitment has been made, the number of sectors shown in the graph can be quite large. Despite this, the figures suggest some moderate progress, something that seems to be confirmed by additional evidence presented below.

Figure 10 Number of MSs active in EDF sectors



Evidence from the country studies highlights that it can be difficult to attribute improved coordination among donors to the EDF only. The Zambia case study shows, for example, that joint programming among all donors had already taken hold under the Joint Assistance Strategy for Zambia (JASZ) and that it was rather a feature of the landscape that predates the current EDF. Nonetheless, under the 11th EDF a specific exercise of developing sector and crosscutting papers which was organized by the EU was cited by various donors and by government stakeholders as having been useful in identifying gaps (with education emerging as a (potential) donor 'orphan'), and highlighting areas that are oversubscribed (e.g. governance, and energy).

There are some indications from the country studies that joint programming may work better among EU member states than with other partners. From interview evidence this is explained by the existence of shared priorities and values among specific MS. Some interviews suggest that the EU adds value by encouraging development partners to sit together more and share information, and through regular informal and formal communications, etc. (MN1).

¹⁰⁷ Aruba and New Caledonia have been excluded from the sample, because they are not among the OECD list of ODA eligible developing countries and there is no data recorded in the database.

Regular exchanges are seen as an important part of this by MS, but are not always sufficiently done (beyond the planning stage). Country studies support this finding, although some suggest that there may be a need for more frequent communication of on-going implementation to ensure that programmes are better coordinated in practice (not just at the programming stage) (Zambia, Cameroon).

For most, interview and country visit evidence (Aruba) suggest that joint programming is of limited value for overseas countries and territories (OCTs) because the EU is often the only donor in these countries. A similar situation appears to present in other relatively advanced (middle-income) countries, such as is the case for Namibia, where joint programming was done with a very small number of donors (MN1).

Interviews from across the different country studies show that while the joint programming is generally perceived as useful, the challenge for the 11th EDF (and for other donors) is the lack of flexibility in adjusting programming, as well the political agendas coming from HQ (not just Brussels but also in the case of other MS). The Zambia case study shows that in spite of joint programming there are still instances where donors 'discover' they are working in the same area.

A number of interviewees also underscored that joint programming (whether just within the group of MS, or more broadly) really depends on the will of the donors, and not just the EU. Some interviewees quite openly suggested that the level of enthusiasm for joint programming may be waning somewhat.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

1.4 EQ 4 on efficiency

To what extent have the implementing rules contributed to timely, cost efficient, more coordinated forms of working?

N.B. Guidance received 1 December 2016: *Essentially – for the purposes of this evaluation - efficiency analysis will look at administrative and regulatory burden. It should pin-point areas where inefficiencies can be reduced, or rules simplified.*

4.1 Untying of aid due to provisions on nationality and origin / flexibility / speed of delivery (CIR Art. 8-10)	
<p>Main findings</p> <ul style="list-style-type: none"> • The CIR confirmed long-standing practices related to untying of aid notably to EDF and DCI countries. Assistance to IPA countries remained largely tied. • The CIR further liberalised eligibility of tenderers, applicants and candidates with beneficial effects reported for ENI and EIDHR. • EIDHR benefitted from the CIR by the provision in Art. 11 making bodies and actors eligible, when this is necessary to achieve the objectives of the EIDHR, including “for profit” organisations. This increased flexibility and inclusiveness of the Instrument as well as speed of delivery. <p>Strength of the evidence base: <i>Strong</i></p>	<p>Main sources of information:</p> <ul style="list-style-type: none"> • Responses to question 2 of the questionnaire by EFI evaluation teams
4.2 Participation of local contractors (Art. 8(6))	
<p>Main findings</p> <ul style="list-style-type: none"> • The CIR provision stipulating that priority should be given to local and regional contractors has been well implemented. • For both EDF and DCI, there has been a significant increase in the volume of funds used for local contractors at the expense of the number 	<p>Main sources of information:</p> <ul style="list-style-type: none"> • Responses to question 2 of the questionnaire by EFI evaluation teams based on survey data Part I Section 10

of contracts granted. Strength of the evidence base: <i>Medium</i>	
4.7. How could the CIR be simplified? In what ways? Does the CIR meet current and future implementing needs of the instruments? Are there any unintended benefits / problems arising from the CIR?	
Main findings <ul style="list-style-type: none"> • Current rules for the adoption of action programmes and measures (Art. 2) are too laborious and time-consuming. Simplification through: a) more devolution of responsibilities to the field; b) more multi-annual programmes; and c) only one QSG meeting instead of two. • Tax exemption (Art. 5) is inconsistent with EU policies aiming at national ownership and domestic resource mobilisation. Proposal to eliminate the tax exemption altogether and accept taxes, duties and charges as eligible cost. • Rules on nationality and origin (Art. 8 -9) are complex and difficult to explain to stakeholders in partner countries. On the other hand, it is mentioned that rules can be easily circumvented. There is a general call for further simplification and greater untying of aid. • Several EUDs find rules on monitoring and evaluation (Art. 12) adequate. Proposals to simplify include the suggestion to more closely involve the EUDs and also avoid costly use of external consultants. Strength of the evidence base: <i>Medium</i>	Main sources of information: <ul style="list-style-type: none"> • EUD survey Part I (Section 9)

1.4.1 Untying of aid due to provisions on nationality and origin (Art. 8-10)

Evidence Summary

According to the OECD, the EU had already become a relatively good performer in terms of untying of aid by 2014. The monitoring data from the latest round of the Global Partnership for Effective Development Co-Operation (GPEDC) shows that the EU institutions have substantially increased the share of untied aid between 2010 (47.7%) and 2014 (65.6%). More recent data are not available. The CIR mostly confirmed established practices for EDF and DCI.

The trend does not apply to IPA countries, where most assistance is tied to EU Member States and countries granting untying on a reciprocal basis, with few exceptions. The CIR did not make a difference for these countries.

The CIR further liberalised eligibility of tenderers, applicants and candidates with beneficial effects reported for ENI and EIDHR.

For ENI, it was a step forward that untying was extended to Highly Indebted Poor Countries and countries outside the G-20 group (except China, India and in certain cases Russia).

EIDHR benefitted from the CIR by the provision in Art. 11 making bodies and actors eligible, when this is necessary to achieve the objectives of the EIDHR, including “for profit” organisations. This increased flexibility and inclusiveness of the Instrument. With the introduction of the CIR, it is now also possible, for example, for direct grants of up to EUR 1M to be awarded for up to 18 months in the ‘most difficult conditions and situations’ referred to in Article 2 (4) of the EIDHR without the need for co-funding, which is an extremely useful innovation and allowed for the creation of the EIDHR Human Rights Crises Facility.

There is no evidence that CIR rules on nationality and origin had an effect on the speed of delivery of contracts, except for EIDHR. According to the EUD survey, eligibility rules are among the factors, why contract procedures are still felt to be complex and challenging in their implementation, notably by national partners, and not always adapted to local and regional realities.

DCI

According to the 2014 OECD report on untying of aid, the EU was a relatively good performer as compared to other donors even before 2014. The share of untied aid reached 82,2 % in 2013.

In 2014-2015, according to EU Statistical Dashboard, only 4 % of DCI commitments was tied and 25 % only partially untied. 70% of all DCI commitments were classified as being untied during this period. As the Statistical Dashboard became operational only recently, a comparison with the situation before 2014 is not possible.

Although the CIR provisions are more comprehensive and better organised than the 2007-2013 DCI Regulation (see question 1), untying of aid had already become a well-established practice in 2014, which was mostly only endorsed by the CIR. No significant increase of the untying of aid for the Instrument as a result of the CIR can be observed.

The survey conducted among all EUDs on all EFIs leads to the conclusion that rules on nationality and origin are still felt to be complex and challenging in their implementation and not always adapted to local and regional realities. Delegations also question the need to request partner governments for tax exemption / reimbursement, both as a matter of principle and because of the tedious and stressful procedures involved (see questions 3, 4 and 5 of this questionnaire).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EIDHR

The fact that special measures are still allowed under the CIR certainly assisted in increasing the speed of delivery under the current EIDHR – the first Annual Action Plan was in fact adopted as a Special Measure and was prepared while waiting for the Regulation itself to be adopted. As stated by a senior DEVCO staff member, without that possibility, people might well have died¹⁰⁸. Of course the increase in the CIR allowing special measures of up to EUR 10M to be adopted without the need to be submitted to the Committee of representatives of member states established by the Commission was not relevant in this particular instance since the total amount of the 2014 AAP far exceeded this amount.

The fact that multi-annual action plans (MAAPs) are now permitted under the CIR has been used by DEVCO in preparing the 2016-17 MAAP to, *inter alia*, increase predictability (for example, the Global Call Action Document sets out the priorities for both 2016 and 2017 so organisations can plan in advance based on what to expect in 2017) and allow for Delegations to combine calls for proposals (CfPs) under the Country Based Support Scheme (CBSS)¹⁰⁹. For example, the Pakistan Delegation will only launch its CfP under the CBSS in 2017 using both the 2016 and 2017 allocation. This certainly helps to reduce the burden on Delegations, but as more than one stakeholder opined, this in a sense reduces the flexibility and responsiveness of the EIDHR – since decisions about what to fund in 2017 were made in 2015 when developing the MAAP, questions were raised as to how it would respond to any emerging challenges and evolving issues that might arise in late 2016 or even early 2017. Of course, the EIDHR remains highly responsive in many areas, particularly when it comes to support to HRDs at risk where the CIR has increased the speed and reach of such support. And Delegation staff generally agreed that the possibility of running one CfP

¹⁰⁸ Stakeholder interview, 19 October 2016.

¹⁰⁹ As part of the validation process, the evaluators visited Peru, Israel, Palestine and Uganda and conducted desk studies (including interviews with Delegations and all stakeholders) of Pakistan and Russia.

covering both 2016 and 2017 has made it easier for them to manage and increased efficiency. But there is some validity to the concerns raised particularly when it comes to the level of flexibility under the MAAP when it comes to Global Calls and the CBSS¹¹⁰.

The rules related to small grants are of critical importance to ensure that support is available to HRDs at risk (including imprisonment, enforced disappearance and assassination) and recognised their important work to advance human rights and democracy and their courage in face of the risks¹¹¹. Since 2010, these features have been used to award a total of 374 small grants totalling EUR 2,855,309.88 to HRDs and their families in around 44 countries to enable them to seek refuge in their own countries or abroad (with various EU countries providing visas in the latter cases), with a clear indication of increased use of the rules since 2014. According to data provided by DEVCO:

- In 2010, three grants were awarded.
- In 2011, 28 grants were awarded providing emergency support to 131 HRDs.
- In 2012, 49 grants were awarded providing emergency support to 93 HRDs.
- In 2013, 58 grants were awarded providing emergency support to 113 HRDs.
- In 2014, 73 grants were awarded providing emergency support to over 150 HRDs and their families.
- In 2015, 84 grants were awarded providing emergency support to over 180 HRDs and their families.
- In 2016, 76 grants have been awarded to date, corresponding to over 250 HRDs and their families.

The rules in Article 11 of the CIR that allow for grants to be provided to entities without legal personality, and in exceptional and duly justified cases, other bodies or actors not identified in Article 11 when this is necessary to achieve the objectives of the EIDHR¹¹², including the possibility of funding to 'for profit' organisations¹¹³ have been used to increase the flexibility and responsiveness of the EIDHR considerably. This unique feature of the EIDHR allows support to be provided to individual HRDs and organisations despite the shrinking space created by restrictive legislation for the registration of NGOs in numerous countries (including rules that make it impossible for certain CSOs, such as those focused on LGBTI rights, to

¹¹⁰ A further issue was noted in this regard: some level of confusion exists in some of the Delegations consulted as to the 'minimum threshold' for grants under the CBSS. Although there is no rule in this regard, DEVCO have recommended in the past that Delegations increase the minimum threshold to help them to cope with reducing capacity and staff at Delegations – the idea clearly being that a smaller number of larger grants is easier to manage. Some Delegations have interpreted this to mean that grants must **always** be of a minimum size – one Delegation believing the minimum threshold to be EUR 250,000 and another EUR 500,000. This issue is not of particular relevance to the CIR though and is explored more fully in the Draft Final Report on the EIDHR.

¹¹¹ In this regard, specific mention was made during stakeholder consultations with the case of Dr Mukwege (founder of the Panzi Hospital in 1999 to treat women victims of sexual violence as a response to the devastating war that surrounded his community in the eastern provinces of the Democratic Republic of Congo) whose life was saved by the EIDHR, which paid for his urgent relocation to Belgium after the assassination attempt in 2012. There is a clear synergy with the EIDHR small grant, the visa and asylum given by Belgium and the Sakharov Prize awarded to him in 2014. The Panzi hospital is now supported by EU grants under the DCI.

¹¹² Article 11 (2) (c) of the CIR.

¹¹³ See for example the eligibility criteria for the 2016 global call which contains a very wide definition of eligibility is used and where it is specifically stated in section 2.1.1 of the Global Call Guidelines: 'Indeed, in situations where registration or receipt of foreign funding as non-profit organisation is made very difficult or might put the entity in danger, civil society organisations may be obliged to register as for-profit organisations to continue operating in the field of human rights. In keeping with the 'no-profit rule' in Section 6.3.10 of PRAG. Where marginal profits are made (for example, through the sale of tickets to a festival to promote human rights), any revenue generated is deducted from the overall costs of the project.'

register at all) and the introduction of legislation in some countries forbidding or limiting the amount of foreign funding CSOs may receive¹¹⁴.

The standard approach for EU support for grants is the call for proposals (CfP) process, which is lengthy and complicated but remains the primary means at the disposal of the Commission to ensure competition for public funding of project proposals answering to a given policy objective. Even though there are exceptions to the general rules in the PRAG, the procedure is not suited to assistance in emergencies and it is most often only larger and more experienced organisations that are able to traverse the procedures and secure grants. Since the relaxation of the rules related to sub-granting introduced in the 2012 Financial Regulation (maintained by Art 4 of the CIR), the ability of grant beneficiaries to provide financial support to third parties using their own grant award procedures ('sub-granting') has increased, with grants of up to EUR 60,000 now permitted (except where financial support is the primary aim of the action, in which case no limits apply)¹¹⁵. This has allowed larger national and international CSOs to secure grants and then make sub-grants available to both registered and unregistered local CSOs and individual HRDs in situations where human rights are most at risk, or where it might be otherwise difficult for them to secure funding because of the shrinking space for civil society.

With the introduction of the CIR, it is now possible for direct grants of up to EUR 1M to be awarded for up to 18 months in the 'most difficult conditions and situations' referred to in Article 2 (4) of the EIDHR without the need for co-funding, which is an extremely useful innovation and allowed for the creation of the EIDHR Human Rights Crises Facility. The CIR also maintains the possibility of low-value grants (up to EUR 10,000) to be awarded to HRDs without the need for co-funding¹¹⁶ that has allowed grants to be awarded to HRDs in a matter of days in most cases – which is critical when lives are at risk. Finally, the CIR also allows for direct grants to be made to the Office of the UNOHCHR, the EIUC and its associated network of universities (including scholarships to students and HRDs)¹¹⁷.

All of the Delegations consulted during the validation process were aware of the possibilities for small grants to be provided for HRDs at risk, including the ability for small grants to be awarded and the possibility for CSOs to apply for grants under the Human Rights Crisis Facility. Most, but not all, were also aware of the protectdefenders.eu mechanism. All also make use of the rules for sub-granting and many of the projects considered during country studies include large grants to INGOs or large national NGOs who then sub-grant to smaller, local organisations. Such an option was of particular importance to at least one Delegation, where NGOs are heavily monitored by government and where they would encounter significant problems were they to receive a large grant that would inevitably be noticed by the powers that be.

However, some concerns exist as to the degree to which the new rules and possibilities are understood at Delegation level. This may be partly based on the fact that many of the possibilities are included in vague language, rather than stated categorically in the EIDHR or CIR itself. For example, neither the CIR nor the EIDHR state explicitly that funding is permitted to for profit organisations in specific circumstances. The rules allowing for non-registered organisations and individuals are also not always understood – in one Delegation, Finance and Contracts staff claimed that they are struggling since government is making it increasingly difficult for international and national NGOs to register (only registered ones are entitled to operate) and, since 'grants can only be made to registered organisations', this was

¹¹⁴ Although sub-grants to unregistered organisations and individuals are permissible under the IcSP (according to IcSP senior staff consulted during stakeholder interviews), those responsible for the instrument prefer to leave this up to the holder of the grant to decide whether or not to risk sub-granting to these. It was noted too that the major part of IcSP funds go to UN Agencies, INGOs and to MS under a PAGODA. When they work with local partners, it is usually via INGOs.

¹¹⁵ CONCORD, 'EU funding Delivery Mechanisms – New trends in EuropeAid Funding and what they mean for CSOs', (2016) page 14. Sub-granting was allowed before 2014 but was rarely used because of the strict financial limitations that existed before the 2014 changes.

¹¹⁶ As per Article 6 (1) (c) (i) of the CIR.

¹¹⁷ Article 6 (1) (c) (iii) of the CIR.

a cause for concern. In another, questions were raised as to what 'non-registered' means. Because there is no rule requiring Delegations to make all calls open to unregistered individuals and organisations, and because registered organisations are perceived to be better at managing funds properly or because it leads to less complications with the government of the country concerned, some Delegations visited during the evaluation prefer not to make use of this possibility unless and until it becomes impossible to fund CSOs, which undermines one of the key features of the EIDHR in addressing the shrinking space for CSOs generally. Of course not all countries visited are faced with excessive rules relating to registration of CSOs and thus it is not a universal problem. But for those facing threats to CSOs and restrictive rules related to registration, additional guidance and encouragement to use this feature should be provided.

Awareness of the EIDHR amongst member states (MS) and other major development partners at country level was relatively low in most countries considered during the validation process. Most of these, and many of the large INGOs consulted, were unaware in particular of the support being provided to HRDs at risk and to address the shrinking space for CSOs through small grants, the protectdefenders.eu mechanism and the Human Rights Crisis Facility.

ENI

The eligibility criteria introduced by ENI are already broader than those of ENPI by proceeding on a case-by-case basis. The two key measures introduced by CIR for ENI (compared to ENPI) are to fully untie its aid for Highly Indebted Poor Countries (aid was already untied for Least Developed Countries under ENPI) and to open EU procurements to developing countries and territories, as included in the list of ODA recipients published by the OECD-DAC which are not members of the G-20 group (e.g. practically excluding China and India, the case of South Africa having been clarified later on). CIR also limits ENI contract awards to Russian companies to CBC involving Russia (with the exception of CBC programmes that are partly funded by ERDF). Conversely, CIR authorises restricted eligibility (in Article 8: *"Eligibility as set out in this Title, may be restricted with regard to the nationality, geographical location or nature of applicants, where such restrictions are required on account of the specific nature and the objectives of the action and where they are necessary for its effective implementation."*). The two texts may work against each other in this case.

Often the reference in programming documents is rather generic (for example "eligible country as defined in Regulation 236/2014"). Occasionally the "full list" of eligible countries is displayed, which might work towards "opening" the markets – at least in principle – to non-traditional partners.

CIR does not impose nationality restrictions for natural persons (*"The rules under this Title do not apply to, and do not create nationality restrictions for, natural persons employed or otherwise legally contracted by an eligible contractor or, where applicable, sub-contractor."*).

Full untying was adopted for materials and equipment for lines in the bills of quantities which do not exceed EUR 100,000. This measure applies (in PRAG) to any contract, including those concluded with NGOs.

Qualitative interviews and the six responses to the joint survey were not conclusive on this topic as only few ENI programmes are already under implementation to the point of contract award procedures. Russia is indicated in the ENI regulation as eligible for CBC programmes only. The information extracted from the Statistical Dashboard is limited to the 2014-2015 period i.e. does not allow to assess a trend.

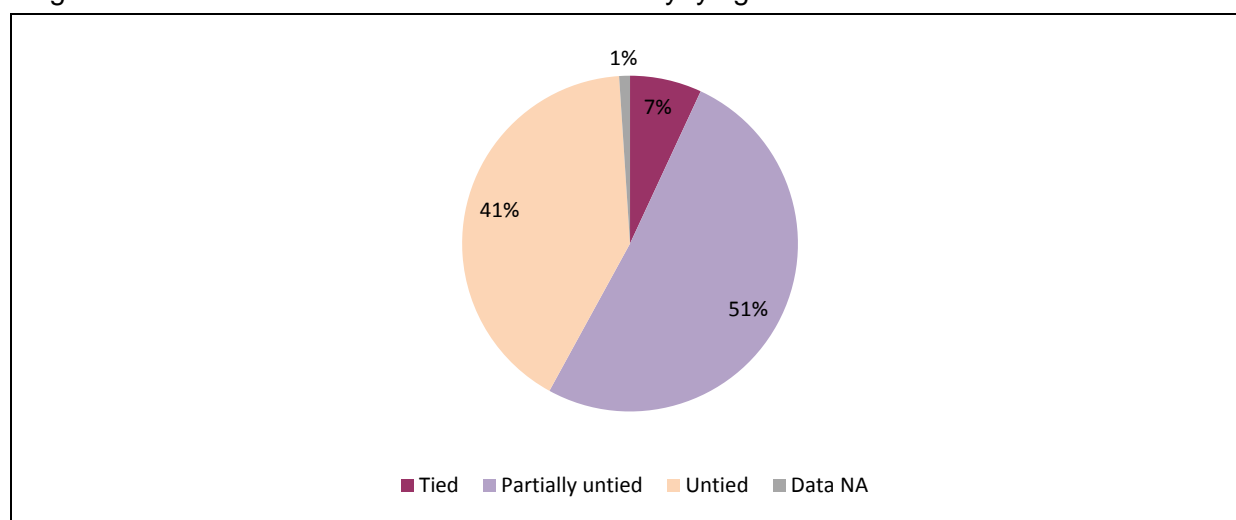
Table 6 ENI commitments/disbursements in 2014-2015 by tying status (in mio EUR)

Tying status	Commitments	%	Disbursements	%
Tied	331,50	6,9%	210,73	6,2%
Partially untied	2.446,29	51,1%	613,01	18,1%
Untied	1.963,93	41,0%	909,66	26,9%
Data NA	49,81	1,0%	1.651,61	48,8%

Source: EC Statistical Dashboard

ENI programmes (at decision level) are untied for 41% of the commitments, and partially untied for another 51%. Tied aid is limited to less than 7% of EU assistance under ENI for that period. A similar analysis cannot be conducted for disbursements due to the weight of data non available (on-going or just started programmes).

Figure 11 ENI commitments in 2014-2015 by tying status



Source: EC Statistical Dashboard

The four responses over the six EUDs that answered for the joint survey to the question “Does the scope of these rules meet the current and future implementing needs of the [instrument]?” are equally shared between yes and no.

IPA-II

A key measure adopted in respect to the requirements of the CIR can be found in the PRAG. The measure applies to any contract: full untying was adopted for materials and equipment for lines in bill of quantity that does not exceed EUR 100,000. It is envisaged that this will be particularly relevant for grant schemes involving small local contractors but also CSOs operating under IPA II assignments.

The 2016 Report on Global Partnership for Effective Development Cooperation provides indicators for the level of untying of DAC bilateral aid. Reference is made in this report only for two IPA II countries – Albania and Kosovo. The available data indicate some increased use of untied aid when comparing 2014 with 2010 (Albania: 71.9% vs. 61.7%, Kosovo: 30.3% vs. 29.1%). These global figures however cannot be specifically attributed to IPA II yet. Statistical data on IPA II tying status is presented below:

Table 7 Commitments under IPA II 2014 and 2015 by tying status

Total committed amount	3.062.705.303 €	100%
Tying Status	Committed amount	
Tied	2.907.882.943 €	95%
Partially Untied	65.948.507 €	2%
Untied	71.111.970 €	2%
Data NA	17.761.883 €	1%

Source: Dashboard data IPA II for 2014 and 2015.

The available data refers to commitments made for 2014 and 2015. The figures clearly show a high tying status in IPA II countries (95%). As data covers only 2014/ 2015, changes in the tying status are difficult to assess in the absence of comparable data from the previous period.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IcSP

Nationality and rules of origin requirements of the CIR are not applicable to the IcSP. Art. 11(1) of the CIR provides IcSP with a derogation to the application of the Common Rules (art 8). Like for IfS, participation in the award of procurement contracts or grants under the IcSP, as well as the recruitment of experts, is open without limitation of nationality, allowing flexibility to contract on the basis of expertise, capacity, or other. Most of the assistance through the Instrument is already untied or partially untied (72% and 21,6% of 2015 commitments, respectively).

EUDs responding to the CIR survey are generally appreciative of this flexibility and simplification of the Instrument. While some EUDs did not seem to experience any particular problems or delays related to taxation issues, some noted the tax regime (VAT exemption) is still a cumbersome and often long process. Governments are often reluctant to concede tax exemption, causing at times delays in implementation. Some respondents question the need to seek tax exemption as a matter of principle. Others question why different regimes apply depending on the implementing partner, or the need to renew each time the request for tax exemption (see questions 3, 4 and 5 of this questionnaire).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

INSC

DEVCO commissioned a review of the implementation of the EU's GPEDC commitments to external consultant, VJW International, who provided the Evaluation Team with the raw data at project level, which, however, do not relate to INSC. According to DG NEAR's Support Group for Ukraine and Project Managers of DEVCO B.5, there is little advantage in untying the participation regarding nuclear safety because the instrument aims at transferring EU know-how. As a rule, at least one EU NRA should participate in an INSC consortium¹¹⁸. Similarly, it does not make a lot of sense to deviate from the origin rules for supply, unless supplies are unavailable. Under INSC-II, which essentially procures services and not goods, there are sufficient exceptions from origin rules for cases where goods are unavailable in the EU. The Project Managers of DEVCO B.5 add that untying usually applies when the management is delegated to other donor organisations or entities, using their own procurement rules, e.g. the CGULS funds in Central Asia, managed by the EBRD, or Action Documents managed by the IAEA. Therefore, the trend from INSC-I to INSC-II to increase implementation modalities with partner organisations is likely to increase untying *per se*¹¹⁹.

According to DG NEAR's Support Group for Ukraine and Project Managers of DEVCO B.5, there is little advantage in untying the participation regarding nuclear safety because the

¹¹⁸ Interview with NEAR, Support Group for Ukraine, 30 September 2016. Interview with DEVCO B.5, 13 October 2016.

¹¹⁹ Interview with DEVCO B.5, 13 October 2016.

instrument aims at transferring EU know-how. As a rule, at least one EU NRA should participate in an INSC consortium¹²⁰. Similarly, it does not make a lot of sense to deviate from the origin rules for supply, unless supplies are unavailable. Under INSC-II, which essentially procures services and not goods, there are sufficient exceptions from origin rules for cases where goods are unavailable in the EU. The Project Managers of DEVCO B.5 add that untying usually applies when the management is delegated to other donor organisations or entities, using their own procurement rules, e.g. the CGULS funds in Central Asia, managed by the EBRD, or ADs managed by the IAEA. Therefore, the trend from INSC-I to INSC-II to increase coordination with other donor organisations is likely to increase untying *per se*¹²¹.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

GD

The CIR introduced a new element of prioritisation of local and regional contractors. The principle of untying Union aid to the maximum extent introduced by the CIR is also new compared to the previous implementation rules. However, nationality and rules of origin requirements of the CIR are not relevant in the context of the GD as it is implemented exclusively through Sector Budget Support (both before and after 2014)

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

PI

The question put on the nationality and rules of origin requirements, and the impact they have had on the untying of aid is not relevant to the Partnership Instrument. The untying of aid is a principle of ODA and as such not applicable to the support provided through the PI.

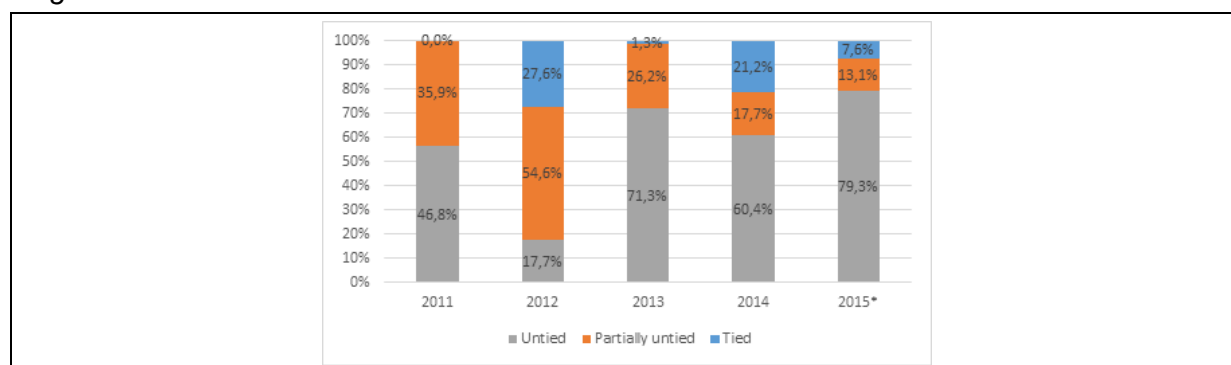
Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EDF

The monitoring data from the latest round of the Global Partnership for Effective Development Co-Operation (GPEDC) shows that the EU institutions have substantially increased the share of untied aid between 2010 (47.7%) and 2014 (65.6%).¹²²

Evidence suggests that progress has also been made in the case of the EDF shows the amounts of untied, tied and partially tied aid for the period 2011-2015. The figures show substantial variability from one year to another, but there is a clear upward trend towards more untied aid if a two-year moving average is used to smooth the differences.

Figure 12 Untied aid in % of EDF commitments



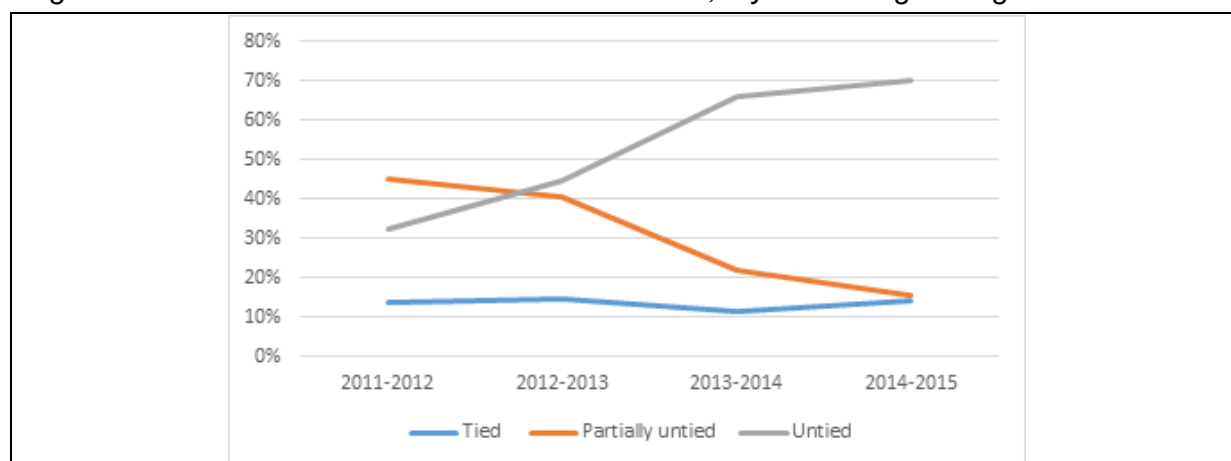
* Source: based on the OECD CRS database except data for 2015, which are based on the EU Dashboard.

¹²⁰ Interview with NEAR, Support Group for Ukraine, 30 September 2016. Interview with DEVCO B.5, 13 October 2016.

¹²¹ Interview with DEVCO B.5, 13 October 2016.

¹²² See the GPEDC monitoring data available at: <http://effectivecooperation.org/monitoring-country-progress/explore-monitoring-data/>

Figure 13 Untied aid in % of EDF commitments, 2-year moving average



* Source: based on the OECD CRS database except data for 2015, which are based on the EU Dashboard.

However, some caveats apply to these two graphs. Firstly, the graphs are based on commitment data which tend to be more variable than disbursement data. The reason for this is that tied aid is only consistently reported by the EU for projects committed after 2010 in the case of the OECD database and 2014 in the case of the EU dashboard. This essentially excludes the possibility of looking at actual disbursements because they would include a substantial number of projects for which the tying status is unknown. Secondly, as of early November 2016, the OECD has not yet released the 2015 dataset for the EU Institutions. In order to complement the OECD dataset, we have used data from the EU dashboard. A small difference between the figures reported to the OECD and the figures reported in the Dashboard has been observed. The difference is of a few (<5) percentage points and does not necessarily invalidate the findings.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

Survey question: Are there any unintended benefits/problems arising from these rules for the [instrument]?¹²³

Responses
Specific issue on rule of origin for purchase of cars resulting in partners renting cars which is more expensive.
Nationality of experts or origin of goods are difficult to implement and easy to circumvent.
The widening of nationality and origin have advantage of increasing competition, to the detriment of EU businesses.
Re-Launching tenders due to non-compliance with rule of nationality and origin.
Rules of origin frequently complicate procurement.
Some rules limit flexibility and the potential to respond quickly and effectively to country needs.
The rules are helpful as they allow the inclusion of multiple actors.
Unintended benefits: RAS Unintended problems: le partenariat idéal visé par l'accord de cotonou ne fonctionne pas dans les pays fragiles comme haïti
Dans le domaine régalién de la sécurité, des problèmes inattendus peuvent survenir quand c'est un partenaire de mise en oeuvre qui gère les règles d'origine, les intrants (nationaux ou non), le suivi et l'évaluation, et non directement le pays récipiendaire.

¹²³ The question in the EFI survey had a broader scope: Adoption of action programmes and measures; taxes; rules on nationality and origin; monitoring and evaluation. The selection is focused on tying / untying of aid. Individual countries not mentioned for reasons of confidentiality. Few responses. The other survey question under this heading did not yield substantive answers on this topic.

1.4.2 Participation of local contractors (Art. 8 (6))

Evidence Summary

Available evidence from the survey among EUDs mainly stems from DCI and EDF countries. In both cases, there has been a significant increase since 2014 in terms of relative share of volume of funds used for local contractors (DCI: from 37 % in 2013 to 52 % in 2016; EDF from 11 % in 2013 to 94 % in 2016)

In contrast, the share of number of contracts concluded with local contractors as compared to the total average number of contracts decreased in the case of DCI (from 87 % to 69 %) and only increased slightly for EDF (from 71 % to 82 %).

It can hence be concluded that, on average, local contractors were granted fewer contracts in 2016 than in 2013, but the share in total volume rose significantly, as the contracts were larger in size. This information is based on the responses of 17-20 EUDs for DCI countries and 19-20 countries for EDF countries.

There is a credible association between these developments and the provision contained in CIR Art. 8 (6) stipulating that priority should be given to local and regional contractors.

PRAG Chapter 2.4

2.4. Procurement procedures

The basic means of awarding contracts is competitive tendering. The purpose is twofold:

- • to ensure that operations comply with the awarding principles; and
- • to obtain the quality of services, supplies or works wanted, at the best possible price.

There are several different procurement procedures, each allowing a different degree of competition.

2.4.1. Which procurement procedure to apply?

The applicable standard procedures explained later in this Practical Guide are summarised in the table below. They are divided between those for services (e.g. technical assistance and studies), supplies (i.e. equipment and materials) and works (i.e. infrastructure and other engineering works). Once the European Commission has approved an activity by adopting a financing decision and, where appropriate, a financing agreement, the contracting authority can proceed with tendering and contracting following these standard procedures. The thresholds given in the table are based on the maximum budget for the contract in question (including any co-financing). Where contracts are subdivided in lots, the value of each lot is taken into account when calculating the overall threshold. All basic principles must be complied with (including the eligibility, exclusion and selection criteria), regardless of which procedure is used. Where possible and appropriate in light of the nature of the action, and in line with the Financing Agreement if any, the use of the simplest procedures shall be favoured. Note that projects must not be split artificially to circumvent the procurement thresholds. Other procedures can be applied regardless of the thresholds, for instance negotiated procedures on the basis of a single tender - as long as the relevant conditions are met (see points 2.4.5., 2.4.6., 2.4.7. and 2.4.8.)

SERVICE CONTRACTS	≥ - International restricted tender procedure	< EUR 300 000 but > EUR 20 000 - Framework contract BENEF 2013 or - Competitive negotiated procedure		≤ EUR 20 000 - Single tender A payment may be made against invoice without prior acceptance of a tender if the expenditure is ≤ EUR 2 500
SUPPLY CONTRACTS	≥ EUR 300 000 - International open tender procedure	< EUR 300 000 but ≥ EUR 100 000 - Local open tender procedure	< EUR 100 000 but > EUR 20 000 - Competitive negotiated procedure	
WORKS CONTRACTS	≥ EUR 5 000 000 - International open tender procedure or - International restricted tender procedure	< EUR 5 000 000 but ≥ EUR 300 000 - Local open tender procedure	< EUR 300 000 but > EUR 20 000 - Competitive negotiated procedure	

2.4.2. Open procedure

In 'open' calls for tender (international or local), all economic operators may submit.

2.4.8. Negotiated procedure/single tender procedure

A contract may be awarded directly in the following circumstances: • using the 'single tender procedure' when the contract does not exceed EUR 20 000; using the 'negotiated procedure' whatever the value of the contract in exceptional and duly justified cases, provided the factual or legal circumstances described in points 3.2.4.1., 4.2.5.1. and 5.2.5.1. are met. No specific threshold applies in such cases. • The negotiated procedure may only be used in cases stipulated in this Practical Guide. No prior approval can be granted to apply the negotiated procedure in cases others than the ones stipulated in this Practical Guide. Before selecting the candidates, the contracting authority checks that none of the candidates or their partners is in an exclusion situation in the Early Detection and Exclusion System. In the case of negotiated procedures, an evaluation committee must be nominated in order to proceed with the negotiation. However, depending on a risk analysis by the contracting authority, appointing an evaluation committee might not be deemed necessary in the following cases: • extreme urgency not attributable to the contracting authority; • crisis situation; extension of service and work contracts with the repetition of similar activities as in the original contracts, provided the conditions laid down in Sections 3.2.4.1 point c) and 5.2.5.1 point c) are met; • additional supplies, provided the conditions laid down in Section 4.2.5.1 point c) are met; • supplies quoted and purchased on a commodity market; legal services which do not have mandatorily to be awarded through a competitive negotiated procedure (see Section 3.2.4.1. point i)). • When the contract does not exceed EUR 20 000 appointing an evaluation committee is never mandatory. For all procedures, a negotiation report (Annex A10a for negotiated procedures and Annex A10b for single tender procedures) must be produced, explaining how participant(s) in the negotiations were chosen, how the price was set and the grounds for the award decision. The negotiation steps shown in the negotiation report template must be followed. Eligibility rules (nationality as well as exclusion situations

mentioned in Sections 2.3.3.1. and 2.3.3.2.) and selection criteria must be duly complied with. Documentary evidence for exclusion criteria and selection criteria should be submitted as referred to in Sections 2.3.3.3 and 2.4.11.1.1 respectively. The minimum requirements included in the terms of reference/technical specifications and the very final tenders are not negotiable. The contracting authority must inform tenderers who are not in an exclusion situation, whose tender is compliant with the procurement documents and who make a request in writing, of the progress of negotiation. Such information should not prejudice the legitimate commercial interest of tenderers or distort fair competition between them. The negotiation report must be approved by the contracting authority.

Survey responses

EUDs were requested to gather data on the participation of local and regional contractors in 2013 and 2016 using a sample of two *Programme Estimate (PE) records of expenditure*. The following guidance was provided: *Looking at the PE imprest component's supporting documents (i.e. the PE Guide Annex 10 template record of expenditure), take one single record of expenditure, specifically the last record of expenditure received in 2013, and the most recent record of expenditure that you have for 2016.*

Development Co-operation Instrument										
	Sum of all EUDs				Average				Number of responses	
	2013	2016	2013	2016	2013	2016	2013	2016	2013	2016
Total amount contracted	167.419.586	340.710.709	100%	100%	8.811.557	17.035.535	100%	100%	19	20
Total amount contracted to local and regional contractors	62.299.877	175.574.524	37%	52%	3.461.104	9.240.764	39%	54%	18	19
Total amount contracted to local and regional contractors	1.818.651	1.319.139	1%	0%	106.979	69.428	1%	0%	17	19
Total number of procurement contracts	327	191	100%	100%	18	10	100%	100%	18	19
Total number of procurement contracts to local and regional contractors	286	131	87%	69%	16	7	87%	69%	18	19
Total number of procurement contracts to local and regional contractors	160	87	49%	46%	9	5	49%	46%	18	19
European Development Fund										
	Sum of all EUDs				Average				Number of responses	
	2013	2016	2013	2016	2013	2016	2013	2016	2013	2016
Total amount contracted	129.434.430	238.167.702	100%	100%	6.471.721	11.908.385	100%	100%	20	20
Total amount contracted to local and regional contractors	14.057.061	223.427.629	11%	94%	739.845	11.759.349	11%	99%	19	19
Total amount contracted to local and regional contractors	3.957.381	8.418.556	3%	4%	208.283	467.698	3%	4%	19	18
Total number of procurement contracts	242	399	100%	100%	13	21	100%	100%	19	19
Total number of procurement contracts to local and regional contractors	173	326	71%	82%	9	17	71%	82%	19	19
Total number of procurement contracts to local and regional contractors	119	204	49%	51%	7	11	52%	54%	18	18
European Neighbourhood Instrument										
	Sum of all EUDs				Average				Number of responses	
	2013	2016	2013	2016	2013	2016	2013	2016	2013	2016
Total amount contracted	257.168.993	22.072.521	100%	100%	85.722.998	7.357.507	100%	100%	3	3
Total amount contracted to local and regional contractors	94.798.813	1.053.669	37%	5%	31.599.604	351.223	37%	5%	3	3
Total amount contracted to local and regional contractors	18.514	4.950	0%	0%	6.171	1.650	0%	0%	3	3
Total number of procurement contracts	57	55	100%	100%	19	18	100%	100%	3	3
Total number of procurement contracts to local and regional contractors	24	31	42%	56%	8	10	42%	56%	3	3
Total number of procurement contracts to local and regional contractors	4	20	7%	36%	1	7	7%	36%	3	3

Source: Responses to Part I (Section 10) - Participation of Local and Regional Contractors

DCI

A comparison between 2016 and 2013 shows that the participation of local contractors has increased since 2014 in terms of relative share of volume of funds, even though their relative share of the total number of contracts has decreased. Whereas in 2013, on average, the relative share of funds spent through local contractors amounted to 37 % of all amounts spent, this share amounted to 52 % in 2016. In contrast, the share of number of contracts concluded with local contractors as compared to the total average number of contracts decreased from 87 % to 69 %.

It can hence be concluded that, on average, local contractors were granted less contracts in 2016 than in 2013 amounting to a higher share in total volume, as the contracts were larger in size. This information is based on the responses of 17-20 EUDs (see exact numbers in the table above).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

ENI

Only a few (if any) ENI programmes are already at the stage of contracting and, as a consequence, evidence for this is very limited. Moreover, only 3 EUDs responded to the related question in the on-line joint survey. ENI programmes are to limit the use of

programme estimates which are the main source of work for local and regional contractors. The table below demonstrates that the percentage of the amount contracted to local and regional contractors decreased from 37% in 2013 to 5% in 2016. Conversely, the total number of procurement contracts signed with local and regional contractors increased from 28 to 51, suggesting a multiplication of small contracts.

Table 8 ENI amounts/procurement contracts contracted to local and regional contractors in 2013 and 2016 (in EURO millions)

	2013	2016	2013	2016
Total amount contracted	257.2	22.1	100%	100%
Total amount contracted to local and regional contractors	94.8	1.1	37%	5%
Total amount contracted to local and regional contractors following a single tender procedure	0.02	0.00	0%	0%
Total number of procurement contracts	57	55	100%	100%
Total number of procurement contracts to local and regional contractors	24	31	42%	56%
Total number of procurement contracts to local and regional contractors following a single tender procedure	4	20	7%	36%

Source: Joint survey

In principle, the increased use of budget support should increase the participation of local contractors in the implementation of ENI programmes but this information cannot be collected from the EUDs as partner governments are fully in charge.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IPA-II

Only a relatively small number of IPA II programmes are at the stage of contracting, therefore evidence is very limited. In the longer run, the use of budget support could also increase the participation of local contractors in the implementation of IPA II programmes.

Art 19.(5) of the standard template for the Framework Agreement on the arrangements of IPA II assistance refers to the promotion of local capacities, markets and purchases, however with specific reference given to the Financial Regulation (*"priority shall be given to local and regional contractors when the Financial Regulation provides for award on the basis of a single tender. In all other cases, participation of local and regional contractors shall be promoted in accordance with the relevant provisions of the Financial Regulation"*).

In general, IPA II tenders are open to all eligible nationalities. Success (or failure) of the local contractors depends mainly on their ability to present a good/ competitive offer, based on their technical capacities and experience and their possibilities to deal with the administrative and financial requirements of EU funded contracts.

The predominantly weak financial capacities of economic operators particularly in the Western Balkans clearly limit the chances for local contractors to increasingly participate in EU funded tenders in the near future. In most cases, local contractors are participating in consortia led by EU companies.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IcSP

N/A. Derogation by the CIR (art. 11) when it comes to implementation in fragile states or crisis situations which are the contexts where the IcSP operates.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

INSC

Because of the nature of INSC – transfer of EU knowledge – it is *per se* difficult to involve many local contractors. Moreover, specialized nuclear safety local contractors are rarely available on the local market. Usually there are strong local subcontractors, both for translation purposes and technical advice purposes.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

GD

Studies/evaluations financed from the TA budget line have been tendered through the framework agreement (not single tender) so the prioritisation of local contractors' rule didn't apply.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

PI

Regarding point 2 on local contractors, we have sought to examine the extent to which the PI has made use of local contractors as a means to evidence the success of the instrument in promoting and prioritising the use of local and regional contractors (as per Article 8.6 of the CIR Regulation). There is no evidence to suggest that there has been an increase in the number of local contractors since 2014, however this information is not systematically harvested by the PI. Nonetheless, there are some very specific project examples, which show how actions have successfully promoted the use of local contractors, for example the state travel agents in Chengdu in China, who engaged in information seminars about Schengen visas. There are also other examples, identified through the case studies in the USA, where EU requirements and structures are considered to be barriers to the involvement of local stakeholders particularly businesses, which are not used to meeting the number of requirements expected for participation in the PI. This situation has had the perverse effect (although beneficial for EU companies) of supporting EU sub-contractors with a limited knowledge of the local territory to deliver PI action events, because they have a good knowledge of EU procurement. The level of funding available under the PI also limits the involvement of local stakeholders in PI actions. Feedback from the fieldwork in India pointed to this issue. The PI is not an instrument that will work for all types of stakeholders.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EDF

The answer to this question is based on the analysis of the results of the CIR survey. The data collected in the survey shows significant progress in the participation of EDF contracts going to local contractors. The figure below compares the progress in the volume of contracts going to local contractors. It includes both the total volume of contracts and the volume of contracts awarded following the single tender procedure. The single tender procedure is the simplest procedure and it is used for contracts under EUR 20,000. The figure below shows the same breakdown of data but based on the number of contracts.

Figure 14 *Percentage of volume of contracts going to local and regional contractors*

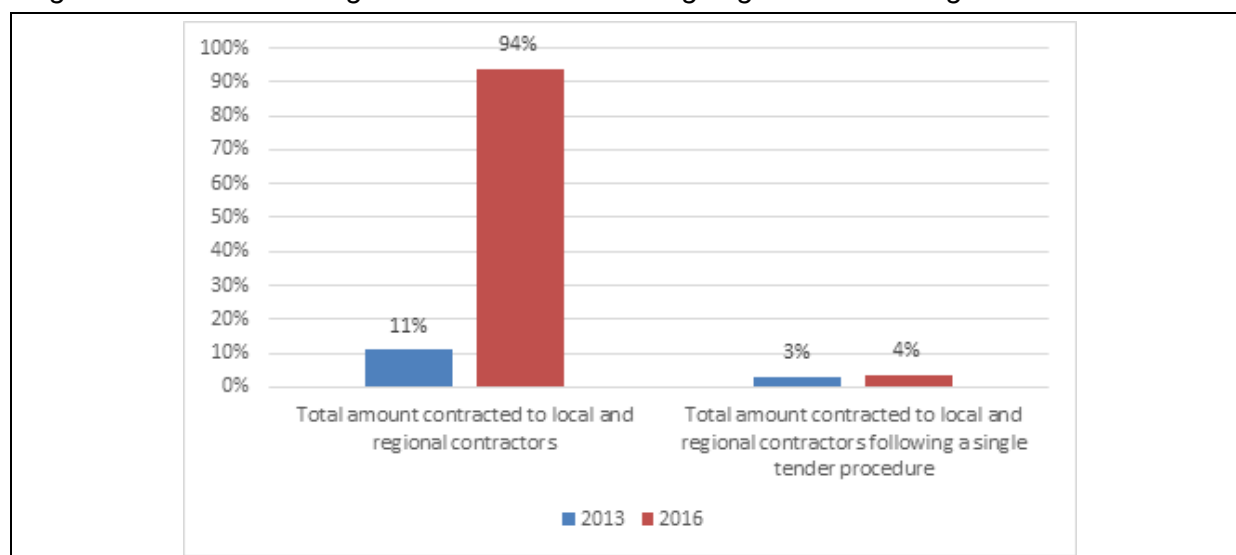
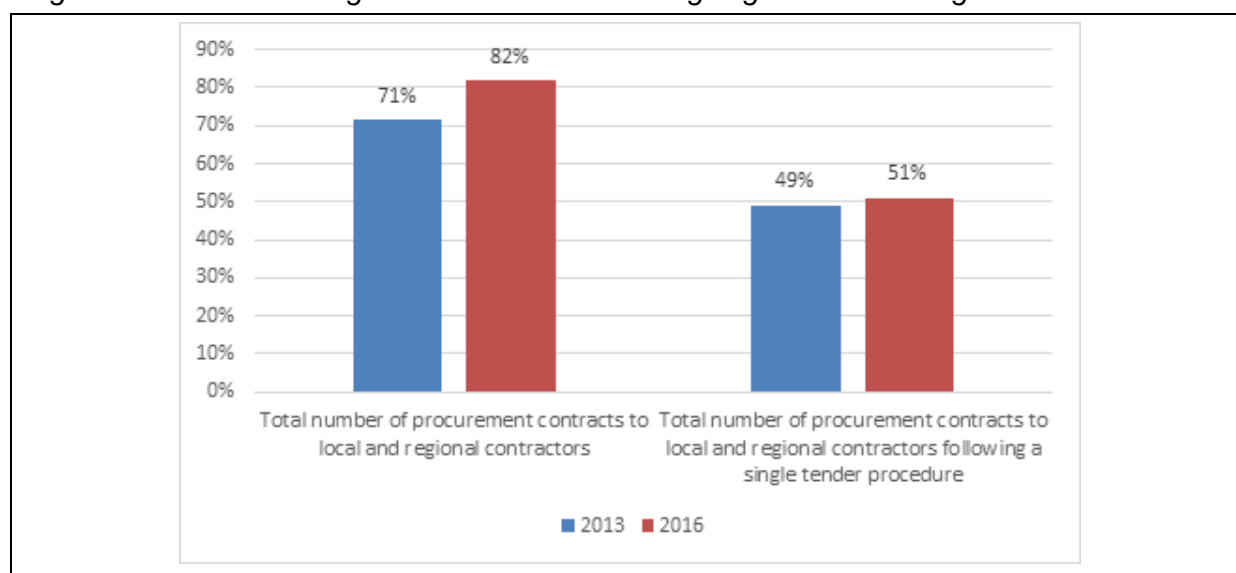


Figure 15 *Percentage of number of contracts going to local and regional contractors*



The comparison of both graphs suggests that the average size of the contracts going to local contractors has increased significantly between 2013 and 2016. Progress between 2013 and 2016 is enormous when measured in volume of contracts, but significantly smaller when measured in the number of contracts. In 2013, local and regional contractors got 71% of the all the contracts, but only accounted for 11% of the contracted volume. In 2016, the number of contracts going to local and regional increased by 11 percentage points to 82% while the total volume jumped by 83 percentage points to 94%. This indicates that local and regional contractors were awarded bigger contracts in 2016 compared to 2013.

The radical increase in the volume of contracts awarded to local and regional contractors is quite remarkable. The definition of a local and regional contractor is not completely clear and it is difficult to make a definitive assessment of the phenomenon. In any case, it is likely that the increase in the volume awarded to local and regional contractors can be explained to certain extent by the opening up of rules of origin under the 11th EDF to countries beyond ACP, LDC and EU MSs (see table 1 below). However, the rules of flexibility have essentially been harmonised with those of the EFIs and thus the fact that 2016 dataset shows a significantly larger share of contracts (in volume), going to local and regional contractors under the 11th EDF compared to other EFIs in the survey is difficult to explain by the change in the rules of origin only.

It is also possible that the recommendation to use, whenever possible, larger contracts issued by the EC in the context of the simplification procedure has affected the average size

of the contract and thus contribute to explain the significant differences between progress measured in volume of contracts and number of contracts. However, there is not quantitative evidence to support this statement.

Table 9 Comparison of rules of origin 10th EDF – 11th EDF

11 th EDF	10 th EDF
<p>Participation in procedures for the awarding of procurement contracts or grants financed from the multi- annual financial framework of cooperation under this Agreement shall be open to all natural persons who are nationals of, or legal persons who are effectively established in:</p> <p>a. an ACP State, a Member State of the European Community, beneficiaries of the Instrument for pre-accession assistance of the European Community, a Member State of the European Economic Area, and overseas countries and territories covered by Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (*);</p> <p>developing countries and territories, as included in the OECD-DAC list of ODA Recipients, which are not members of the G-20 group, without prejudice to the status of the Republic of South Africa, as governed by Protocol 3;</p> <p>countries for which reciprocal access to external assistance has been established by the Commission in agreement with ACP countries;</p> <p>Reciprocal access may be granted, for a limited period of at least one year, whenever a country grants eligibility on equal terms to entities from the Community and from countries eligible under this Article;</p> <p>Member State of the OECD, in the case of contracts implemented in a Least Developed Country (LDC) or a Highly Indebted Poor Country (HIPC), as included in the OECD-DAC list of ODA Recipients published by the OECD-DAC.</p>	<p>Participation in procedures for the awarding of procurement contracts or grants financed from the multi-annual financial framework of cooperation under this Agreement shall be open to:</p> <p>all natural persons who are nationals of, or legal persons who are established in, an ACP State, a Member State of the European Community, an official candidate country of the European Community or a Member State of the European Economic Area;</p> <p>all natural persons who are nationals of, or legal persons who are established in, a Least Developed Country as defined by the United Nations.</p>

Changes in the distribution of contracts following the single tender procedure are small. This can probably be explained because these are small contracts that are generally used for the provision of services at the EUD level and therefore less attractive to foreign bidders. This would explain why the changes in the rules of origin did not have a significant impact on the contracts awarded under this procedure.

Source: Response of 31 December 2016 to CIR questionnaire question 2 (Revised ToR Attachment 1)

1.4.3 How could the CIR be simplified? In what ways? Does the CIR meet current and future implementing needs of the instruments? Are there any unintended benefits / problems arising from the CIR?

Evidence Summary

- Taxes, duties and charges (Art. 5)

Many EUDs voice strong concerns about CIR provisions about exemption from taxes, duties and charges. It is proposed to eliminate the tax exemption altogether and accept taxes, duties and charges as eligible cost. This would also be consistent with the goal to strengthen domestic resource mobilization and ensure coherence with policies aiming at national ownership and use of country systems.

- Rules on nationality and origin (Art. 8-9)

Many EUDs find rules on nationality and origin to be complex and difficult to explain to stakeholders in partner countries. On the other hand, it is mentioned that rules can be easily circumvented. There is a general call for further simplification and greater untying of aid.

SURVEY RESPONSES Part I (Section 9) - Adoption of action programmes and measures; taxes; rules on nationality and origin; monitoring and evaluation

N.B. The compilation of responses to the EUD survey (Part I, Section 9) only focuses on taxes and rules on nationality and origin.

Could these rules be simplified for the DCI / EDF ? In what way?

<i>Responses</i>	<i>Comments</i>
DCI countries	
1.No Tax exemption 3.For regional projects with ASEAN, Singapore and Brunei should be considered as eligible if relevant for the action	
VAT: rules apply differently to different implementing partners and change over time. A more uniform approach and less frequent changes would help.	
On 3 - The rules should take the local economy and market circumstances into consideration e.g. by allowing most ex-post approvals of derogations	
Rules on taxes, nationality and origin, which could be harmonised.	
. For point 2, the possibility of accepting taxes as eligible cost could simplify the system greatly (for grants they are already considered "acceptable" costs, but its management has not been simplified). For point 3, nationality is no longer a requirement for experts and the rule of origin is clearly established in the legal framework, with the exceptions easy to apply. No changes needed then, in our opinion.	
Simplification on taxes would be helpful.	
Current rules on nationality and origin are far too complex, and hard to understand by small CSOs. Should be simplified drastically.	
budget support modality allow to follow the national rules .	
2. Clarification from HQ needed. Currently situation for each country appear to depend on what is said in the framework agreements with individual beneficiary countries, some of which are outdated (e.g. still making reference to TACIS). 3. The possibility for derogation ensures adequate flexibility.	
Taxes: the situation has improved from several years back, but could be optimised by accepting taxes unconditionally nationality and origin. Vast improvements for grants in the past year. Still, extremely complex rules, depending on the beneficiary country.	
Taxes and duties are an issue as the detailed arrangements for tax and duty exemptions have never been established	
. Regarding taxes, the rules may have been simplified but it is not clear to us.	
Nationality and origin need to be harmonized and simplified. I the current situation, they vary considerably from one programme ad country to the other.	
allow taxes to be eligible	
Taxes should be considered eligible.	2 countries
Regular discussions with government on taxes	
EDF countries	
Stop asking for tax derogation which fuel bribing and is totally inconsistent with our policies to promote domestic revenue mobilisation 3. if applicable rules on nationality and origin are useless, we have to focus on high quality standards and robustness of providers	
Exemption/Refund of taxes by govt. remains tedious for all parties. Ineligibility	

<i>Responses</i>	<i>Comments</i>
of taxes as EU expenditures and refusal of refund by tax authorities create problems. 3. Rule of nationality and origin, a simplification is desirable. Often not well understood by implementing partners.	
Rules on nationality and origin should be simplified and harmonized.	
Tax exemptions, although foreseen by our procedures, are generally difficult to implement. .Grants to certain groups of bénéficiaires (NSAs) should cover VAT and other taxes. Less favours nation rule is generally difficult to implement in practice and should be replaced by a more general tax exemption rule.	
These rules are generally less restrictive under Budget instruments than EDF - especially the rule of origin for Budget line projects.	
The rules have already been simplified as regards the eligibility of taxes and the untying of aid, and they seem appropriate. Avoid changing the rules every 6 months (DEVCO companion) Translate templates in French, especially for contractual documents	
Rules of nationality and origin can be a challenge for programs in (this country as the economy is integrated with/dependent on South Africa economy; there could be simplified rules of origin and nationality treating SADC as a region eligible. More specifically, under 2014-2020 instruments, South Africa is not eligible for award procedures under DCI, but eligible for EDF and EIDHR (PRAG annex a2a). Of course, one can always request a derogation. We had to register a non-compliance event in Swaziland as the rules changed between i) submission of proposals based on assumption that South Africa was eligible under DCI-ASMP and ii) award of contracts. So now, under DCI, one should foresee a derogation already at guidelines' stage....however this was difficult to communicate to stakeholders, as different across instruments.	
Provide more flexibility for taxation and rules of origin rules in line with local context that can be managed by Delegation directly.	
. Pour ce qui concerne les taxes, il conviendrait d'être cohérent. On prêche la bonne gouvernance financière et notamment, dans les pays fragiles, d'améliorer les recettes de l'état en évitant toutes les dérogations. L'UE est la première à demander des exemptions fiscales... Ceci pose un problème corollaire d'allongement des procédures dans le cadre des projets (la livraison de matériel est parfois différée de plusieurs semaines pour obtention de l'exemption). Etant dans un PMA, la règle d'origine a été déjà assouplie, permettant de s'affranchir de ce qui était un goulet d'étranglement dans le passé.	
Taxation agreements with Cotonou signatories are not always respected. A coherent approach from HQ across all Delegations in this situation would be welcome.	
Taxes to be paid	
oui les regles concernant les taxes doivent être simplifiés. Il faudrait un accord global unique sur ces questions car chaque pays a un mode de fonctionnement different et meme l'accord de cotonou est interpreté differement... 3. il faut délier totalement l'aide au développement pour simplifier et viser plutôt sur la qualité	
Rules on taxes are often difficult to interpret: notion of the most favorable tax conditions. This information is somehow not readily available and subject to variation. A clearer formulation could be that in all cases taxes (duty/GST/VAT) are not eligib	

Does the CIR meet current and future implementing needs of the instruments?

<i>Responses</i>	<i>Comments</i>
DCI bilateral countries	
In general terms they do.	9 countries

<i>Responses</i>	<i>Comments</i>
taxes - it is challenging to ensure exemption of projects from VAT Taxes (BUDG): in practice, it takes years to conclude a Tax Framework Agreement with a beneficiary country. Once concluded, implementation modalities are complex and time-consuming. Simplification should be envisaged.	
Taxation and rule of nationality and origin could be further simplified.	
EDF countries	
Yes	13 countries
For Nationality and origin: Yes. For the other rules no specific comments.	
yes the recent amendments to the provisions related to Taxes (enabling the EU to refund taxes whereas the country of action denies exemption) is very much welcome.	

Are there any unintended benefits / problems arising from the CIR?

<i>Responses</i>	<i>Comments</i>
DCI countries	
Most problems arise from the management of taxes in specific types of projects (e.g. Programme estimates)	
Specific issue on rule of origin for purchase of cars resulting in partners renting cars which is more expensive.	
The widening of nationality and origin have advantage of increasing competition, to the detriment of EU businesses.	
Re-Launching tenders due to non-compliance with rule of nationality and origin.	
Rules of origin frequently complicate procurement.	
Taxes are normally not easily reimbursed and hardly exempted so the administrative cost generated is not justified. 1	2 countries
The complexity of some of the rules can lead to ineligible expenditure, which often generates difficulties in relations with the partner countries. Increased centralisation may avoid some issues in countries with high perceived levels of corruption.	
-	
EDF countries	
Delays in implementing while processing tax exemption demands.	
Tax exemptions might slow down implementation (cumbersome procedures).	
Nationality of experts or origin of goods are difficult to implement and easy to circumvent.	
Taxes are relatively easy to get back for contractors working in (this country) on EU projects, so this is not a problem in this country (rules for all instruments)	
Aucun bénéfice particulier mais quelques difficultés déjà mentionnées ci-dessus concernant les taxes.	
Difficulty in recruiting individual experts directly because of our complex and demanding tender dossier.	
Problems: Potential non eligible expenditures if the entity cannot justify its tax exemption satisfactorily. Idem with rules of origin.	

1.5 EQ 5 on leverage

To what extent have the CIR implementing rules contributed to making the leverage of further funds or political / policy engagement possible?

5.1 Leveraging of financial resources through blending (Art. 4 (1) e)	
Main findings <ul style="list-style-type: none"> The CIR provides a general legal underpinning to blending, which at least in the case of the DCI was found necessary, but not sufficient, as the DCI Regulation contains more stringent rules for implementation Actions under several instruments show significant progress in this area since 2014. Strength of the evidence base: <i>Strong</i>	Main sources of information: <ul style="list-style-type: none"> Responses to question 2 of the questionnaire by EFI evaluation teams
5.2 Leveraging of political engagement by other development actors (Art. 4(3))	
Main findings <ul style="list-style-type: none"> There is relatively little reference to leveraging of political engagement by other development actors in the CIR. The combination of more or less consequential funding with political dialogue determines the leverage that the EU can exercise with partner governments and other development actors. This is more challenging in countries that have their own resources and in countries not or only partially espousing EU values. Leverage is often more effective at the sectoral and technical levels, but this is not a dimension referred to explicitly in the CIR. Strength of the evidence base: <i>Strong</i>	Main sources of information: <ul style="list-style-type: none"> Responses to question 2 of the questionnaire by EFI evaluation teams Survey responses Part I Section 5

1.5.1 Leveraging of financial resources through blending (Art. 4 (1) e)

Evidence Summary <p>The use of innovative financial instruments such as loans, guarantees, equity or quasi-equity, investments or participation and risk-sharing instruments, usually referred to under the term of blending, has become a prominent feature in the EU's financial assistance under the 2014-2020 MFF. Significant progress is noted under the DCI, ENI, IPA-II and EDF instruments.</p> <p>The reference to these financial instruments in the CIR is relatively succinct (Art. 4(1)(e)). The CIR is referred to in the DCI Regulation (Art. 3 (8) d), which contains additional requirements, e.g. due regard to the issues of debt sustainability, the number of such mechanisms, and the requirement for systematic assessment of the impact in accordance with the objectives of the DCI Regulation, in particular poverty reduction.</p> <p>As far as these financial instruments are concerned, the CIR specifically calls for the lead by the EIB, a multilateral European financial institution, such as the EBRD, or a bilateral development bank. This requirement seems to have been adhered to especially under the ENI, IPA-II and the EDF.</p> <p>In conclusion, the CIR provides a general legal underpinning to blending, which at least in the case of the DCI was found necessary, but not sufficient. Actions under several instruments show significant progress in this area since 2014.</p> <p>The CIR made both forms of leverage possible in the sense that it provided necessary legal underpinning. It did not, however, provide specific guidance how related challenges are to be met.</p>
--

DCI

The main DCI success in this area has been the successful development of blending as called for by the DCI Regulation (Art. 3, 8d). All regional, and about half of national MIPs reviewed see blending playing a significant role in the 2014-2020 MFF period. Though blending is still a relatively new mechanism, reports of regional investment funds show significant private sector involvement and the leveraging of substantial sums -- the combined report for Asia, Central Asia, and the Pacific estimates that in the eight years that the blending mechanism has been in place, EUR 2.7 billion in EU assistance has been used to unlock EUR 50 billion in investment. DCI contributions to EU-led Trust Funds, while smaller than the contributions of other instruments, have helped to leverage MS funds to deal with critical situations. However, the degree of leveraging has been limited by MS concerns over visibility, governance and the ad hoc nature of the instruments. In MIPs reviewed, national public resources are systematically covered for each priority sector (although with various level of detail) together with the governments' policy commitments. This is consistent with the DCI Regulation (Art. 3, 8e) which calls on the EU to promote "the mobilisation of domestic revenue through the reinforcement of the partner countries' fiscal policy with the purpose of reducing poverty and aid dependency." However, while DCI has strengthened PFM in a number of countries, and promoted national ownership through budget support, there is no evidence that domestic fiscal resource mobilisation was a significant factor in the DCI allocation process.

Source: DCI draft final report 9 December 2016 page 36.

EIDHR

No information

IPA-II

Overall, IPA II makes good use of the CIR's encouragement to utilise innovative financial instruments.

The use of sector budget support has been actively promoted by the EC and is expanding across the Western Balkans. In line with the desired strategic orientation of IPA II, the use of budget support is supposed to increase further in the years to come, which would positively impact on cost-efficiency. Expectations that budget support provides a cost-effective instrument for implementing sector reforms under IPA II have still to be proven in the field.

The use of indirect management to the beneficiary country as a mode of implementation has been discussed above.

Blending is evidently an instrument promoted in the Western Balkans (considering that blending is mainly a combination of grants – provided by the IPA II (and others) – and loans (by European Investment Bank and other International Financing Institutions). This is only logical considering the investment needs of the region which can only be covered by loans (having improved conditions due to the grants), like concessional loans.

The Western Balkans Investment Facility (WBIF), set up under IPA I and considerably developed under IPA II, is key in this respect, providing also significant leverage of resources.

IPA II resources also contributed to establishing the MADAD Trust Fund for answering to the needs of displaced persons induced by the Syrian conflict (and reconstruction challenges at a later stage).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IcSP

Not mentioned in any interviews on the IcSP. Does not appear to be especially relevant for the IcSP or impacted in any relevant way its actions.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

ENI

On incentive of the CIR, ENI has increasingly used innovative financial instruments, but these tools themselves were mostly provided by the FR, in particular EUTFs.

Most of the potential of financial leeway of blending is tapped by the Neighbourhood Investment Facility (NIF) since 2009, in association with EIB and EBRD. The total value (estimation) of the contracts signed under NIF (between 2014 and 2016) is EUR 631 million. The countries in the Southern neighbourhood represent 61% of the signed contracts.

Table 10 ENI NIF contract signatures

Year	No.	Value (in EUR)	Financial Instrument	Grant	FI % of total
EAST					
2014	1	1,514,650	0	1,514,650	0%
2015	14	129,305,400	5,035,000	124,270,400	4%
2016 Est	8	113,156,000	83,376,000	29,780,000	74%
		243,976,050	88,411,000	155,565,050	
SOUTH					
2014	2	13,595,000	0	13,595,000	0%
2015	12	157,866,585	50,900,000	106,966,585	32%
2016 Est	12	216,303,000	27,640,000	188,663,000	13%
		387,764,585	78,540,000	309,224,585	
TOTAL					
2014	3	15,109,650	0	15,109,650	0%
2015	26	287,171,985	55,935,000	231,236,985	19%
2016 Est	20	329,459,000	111,016,000	218,443,000	34%
		631,740,635	166,951,000	464,789,635	

Source: DG NEAR B3.

The ENI resources were used to fund two trust funds, i) the Madad TF for answering to the needs of displaced persons induced by the Syrian conflict (and reconstruction challenges at a later stage); ii) the North Africa component of the EU Emergency Trust Fund for Africa, with a focus on the EU migration strategy. These tools were authorized by the revision of the financial regulations (2014), not by CIR. The financial leverage effect introduced by the EUTFs is, at this stage, found to be not significant (10% of the total). Madad Funds pledges and contributions as on September 2016 are shown below:

Table 11 EU and MS contributions and pledges to the Madad Fund

EU and Member States' contributions and pledges to the EU Regional Trust Fund in Response to the Syrian Crisis, the 'Madad Fund'	
In € million, last updated on May 20th, 2016	
Austria*	11,50
Belgium	3,00
Bulgaria	0,10
Croatia	
Cyprus	
Czech Republic*	5,00
Denmark*	10,00
Estonia*	0,25
Finland*	3,00
France*	3,00
Germany*	5,00
Greece	
Hungary*	3,00
Ireland	
Italy**	8,00
Latvia*	0,05
Lithuania*	0,10
Luxembourg	
Malta*	0,02
Netherlands*	5,00
Poland	3,00
Portugal*	0,20
Romania*	0,08
Slovakia*	3,00
Slovenia	
Spain	
Sweden*	3,00
United Kingdom	3,00
Total contributed & pledged from MS	69,30
Contribution from the EU budget	639,23
Total EU	708,53
Turkish co-financing for IPA I package*	24,65
Total overall	733,18
Target	1000,00
Shortfall	266,82
* Already paid in	
** Already paid in €3 million and pledged €5 million for 2016	

Source: Madad Fund Info note: EU Regional Trust Fund in Response to the Syrian Crisis, the 'Madad Fund' State of Play and outlook 2016

Beyond innovative instruments, the ENI demonstrated a strong capacity to introduce flexibility in financial programming, as illustrated for the support to Ukraine since 2014. The budget mobilised through those innovative tools has significantly increased, without reaching still – from stakeholders' point of view in the case of Ukraine and likely Lebanon or Jordan – a level that makes a real change.

Those new tools have still to prove their comparative advantages compared to similar initiatives by the World Bank or the UN agencies (EUTFs low administrative costs, coordination with EU MS, consistent policy framework).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

INSC

Firstly, whereas INSC-I projects did not include innovative financial arrangements, INSC-II actively fosters innovative financial instruments, mostly multi-donor funds in the waste and environmental remediation projects.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

GD

On promoting effective and efficient implementation methods, the mention of innovative financing instruments such as grants and contributions to trust funds are novelties introduced by the CIR. According to interviewees, this aspect is however not relevant for the GD as it is exclusively implemented through Sector Budget Support (both before and after 2014).

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

PI

There is very little evidence from the Mid-term Evaluation of the Partnership Instrument. PI actions have not made use of innovative instruments which generate financial leverage effect and nor is it a strategic priority of the PI to generate such leverage. Nonetheless, there is evidence that a number of PI actions have been able to leverage additional funding, for example because institutions in partner countries support their own participation in PI actions. This leverage reflects partnership working rather than a demonstrable leverage effect arising from the use of innovative instruments.

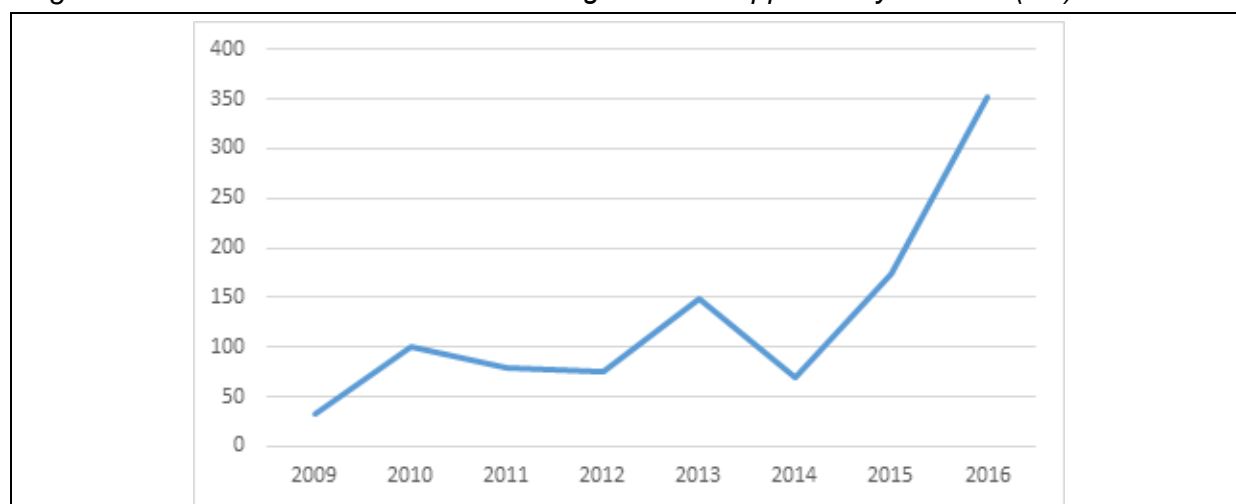
Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

EDF

EDF funds are used to support four different blending facilities: the EU-Africa Infrastructure Trust Fund (EU-AITF); the Africa Investment Facility (AfIF), which will replace the EU AITF; the Caribbean Investment Facility (CIF); and the Investment Facility for the Pacific (IFP). Both the CIF and the IFP are exclusively funded by the EDF. The EU-AITF was predominantly funded by the EDF (€647.7m) with a further €164.3m from member states. The AfIF is being financed through the EDF and the DCI Pan-African programme. However, most of the funding is expected to come from the EDF.¹²⁴

The aggregate amount of grants for blending projects provided by these four facilities has increased significantly in the last couple of years. The lion's share of these funds is attributable to the EU-AITF and, since 2016, to the AfIF. For example, in 2015 the EU-AITF funding was €140m, compared to €34m provided by the CIF and no grants from the IFP. In 2016, the figures were: AfIF, €280m; EU-AITF, €58m; and CIF, €15m.

Figure 16 Grants from the EU blending facilities supported by the EDF (€m)



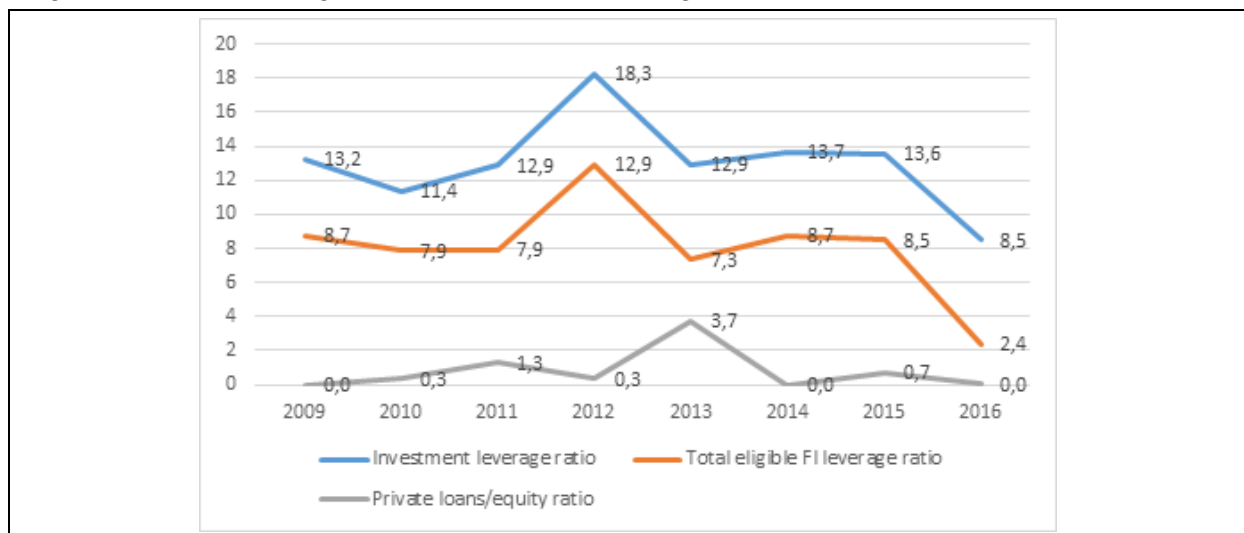
¹²⁴ E.g. the EDF's EA-SA-IO RIP, only one of the 5 regional envelopes, foresees a total contribution of €525m for the AfIF, while the total envelope for infrastructure in the Pan African Programme is of €200m of which only a portion is expected to be used for the AfIF (see: https://ec.europa.eu/europeaid/sites/devco/files/mip-pan-african-programme-2014-2017_en.pdf)

The leverage effect of the four blending facilities supported by the EDF is difficult to evaluate. The European Commission uses three different types of ratios to measure the leverage effect:

- Investment leverage ratio – this compares the grant provided by the facility with the total amount of investment in the project (it thus includes all actors).
- Total eligible financial institution leverage ratio that compares the grant provided by the facility with the amount of finance contributed by other financial institutions involved in the project. In practice this generally refers to other support coming from multilateral or regional development banks or other development finance institutions (e.g. AFD, KfW, Cofides, etc.)
- Private loans/equity leverage ratio that compares the volume of grants provided by the blending facility with the amount of private finance involved in the project.

The following figure shows the aggregates of three different leverage ratios for the four different blending facilities supported by the EDF over the period 2009-2016. The figures do not show a clear trend and experience a significant drop in 2016. For reference, in 2014, the three leverage ratios for the totality of all EU blending facilities (including the Neighbourhood Investment Facility which is not managed by DEVCO) were substantially higher than in the case of the EDF: 20.7 (investment leverage ratio), 10.5 (total eligible FI leverage ratio) and 2.3 (private loans/equity ratio). Based on these figures, the EDF seems to show a poorer performance.

Figure 17 Leverage ratios in the EDF blending facilities



Without additional information, leverage ratios tell us very little about the actual capacity of the blending facilities to leverage other forms of finance. For example, the use of the “investment leverage ratio” assumes that the grant from the blending facilities have leveraged all other forms of finance (i.e. that without the grant the project would not have happened). However, there is no clear information that this is the case. Moreover, one may think that higher leverage ratios are better, but in the absence of other information that confirms that leverage has actually taken place, a high leverage ratio only indicates that the funding from the blending facility is more diluted (compared to a project with a lower leverage ratio). The smaller the contribution of the blending facility to a project the less instrumental it may be (e.g. contributing €1m to a €100m project is not the same as contributing €30m).

Similar caveats apply to the use of the “total eligible FI leverage ratio”. This ratio assumes that the grant from the blending facility has mobilised or leveraged all other financial institutions (FIs) participating in it. Without clear evidence suggesting that this is the case, the “total eligible FI leverage ratio” is subject to the same weaknesses described above. In this regard, it is also important to mention that, in practice, blending projects are not designed by the blending facilities but by one or more FIs that subsequently present the project for a blending grant.

The “private loans/equity ratio” is also affected by additional problems. Firstly, the private sector does not necessarily need to be a partner in all blending projects. Many projects supported by the blending facilities (e.g. road building) generally involve the public sector in developing countries, as well as other financial institutions (development banks, etc.). In this regard, this leverage ratio might only make sense in projects where private investments are desirable or actively sought. Secondly, according to DEVCO, the figures on private investments recorded in the database are approximate and do not reflect the real private investment going into this project. The Commission is currently working on a consistent way to measure the involvement of the private sector.

A report from the European Court of Auditors looking at the performance of the regional blending facilities¹²⁵ suggests that the European Commission does not always perform a clear analysis to show the grant was necessary for the project. This problem affects approximately half of the projects evaluated. In the report, figures are discussed aggregately for all regional blending facilities supported and there is no information on the specific performance of those supported by the EDF.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

1.5.2 Leveraging of political engagement by other development actors (Art. 4)

Evidence Summary

There is relatively little reference to leveraging of political engagement by other development actors in the CIR. The closest mention is in Article 4 containing general financing provisions, e.g. general and sectoral budget support. Art. 4(2) mentions mutual accountability, shared commitments to universal values and the aim of *strengthening contractual partnerships between the Union and partner countries in order to promote democracy, human rights and the rule of law, support sustainable and inclusive economic growth and eradicate poverty*.

Evidence from the survey among EUDs and responses from the EFI evaluation teams to the questionnaire in the CIR ToR shows that the combination of more or less consequential funding with political dialogue determines the leverage that the EU can exercise with partner governments and other development actors. This is more challenging in countries that have their own resources and rely less on external financial assistance. Insistence on democracy and human rights, including gender equality, does not always produce the necessary effects in countries not or only partially espousing these values. Leverage is often more effective at the sectoral and technical levels than at the high end of policies, but this is not a dimension referred to explicitly in the CIR.

DCI

The EU has actively engaged in policy dialogue under the DCI, often but not always under budget support. Evaluation findings point to a mutually reinforcing relationship between political/policy dialogues and development co-operation. In most cases, policy dialogue has strengthened the effectiveness of co-operation mainly in terms of outputs and outcomes although there are differences across partner countries and across regions. The synergies between budget support and reform are strongest when there is a wider strategic partnership, as in South Africa. When there is no such broad engagement, policy dialogue under budget support has tended to become technical and limited to narrow questions of conditionality and the fulfilment of targets. Leverage via policy dialogue tends to be stronger at the ministerial or technical level than at the higher political level, particularly when the reforms under discussion are controversial. The diminishing importance of ODA and “pushback” in the form of decreasing acceptance of the Western liberal democratic model of development are factors limiting EU policy dialogue effectiveness in areas such as civil society and human rights.

¹²⁵ CoA (2014). The effectiveness of blending regional investment facility grants with financial institution loans to support EU external policies. Special report No 16

Source: DCI draft final report 9 December 2016 page 36.

EIDHR

No information

ENI

The overall increase of budget support in ENI is confirmed by all interviewees, and corresponds to the demand of partner countries. A limitation in terms of ownership (and thus leverage) is that for middle income countries whose political actors are not consensually heading for reforms, the financial envelopes made available by the ENI budget are a weak incentive to develop ownership, even on priorities agreed with the government. This applies to sector budget support programmes in particular.

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

IPA-II

No information

IcSP

No information

INSC

Secondly, on donor coordination, there is a difference between INSC-I, prior to CIR, and INSC-II, after CIR. Under INSC-I, the PC was systematically asked to prepare a strategy for enhancing the capacity and effectiveness of the regulatory body and a plan for its implementation in order to minimise the risk of duplication in future. Hence, donor management and the avoidance of duplication was left with the PC. That is why one of the ADs of the INSC-I Sample, AD for Training and Tutoring (MC.03/13), mentions in its section "Donor Coordination" that "*The preparation of a Strategic Plan by each NRA as foreseen in other INSC projects will assist the partners to avoid the risk of duplication*". Under INSC-II, many structures have been put in place whereby the donors themselves deal with donor management and the avoidance of duplication (e.g. CGULs, CSJ, etc.)

Source: Response to CIR questionnaire question 2 (Revised ToR Attachment 1)

GD

No information

PI

No information

EDF

No information

SURVEY RESPONSES: What are the most critical factors needed to ensure EU leverage through the Instruments¹²⁶?

Responses	Comments
DCI	
advocacy, political and policy dialogue	18 countries
Complementarity with other instruments (in particular EIDHR) and bilateral programmes, as well as advocacy and political dialogue are essential to ensure EU leverage through the CSO-LA.	

¹²⁶ Individual countries not mentioned for reasons of confidentiality. The table only indicates how many countries have provided similar responses.

<i>Responses</i>	<i>Comments</i>
Coordination with other actors	
GCCA: The instrument assists country dialogue and action, which is already constructive because of the level of commitment of the actors involved. GPGC (DCI-FOOD): The instrument permits targeted interventions and advocacy.	
In our country, DCI is used for support to civil society and local authorities, which contribute to EU leverage through advocacy and contributes both to policy and political dialogue. It should also contribute to improve the role of civil society and local authorities in the development of the country.	
Maintain long term predictability, comply with payment schedules (especially budget support)	
Our support to CSO and LA and the speed of delivery as it does not require the participation of the NAO.	
Policy dialogue Close consultation / coordination with federal and provincial levels Coordination with Development Partners	
Political dialogue, regular assessment against agreed indicators, flexibility in case of government change, policy change or economic crisis.	
The DCI funds allow us to carry out a political and policy dialogue on a wide range of areas.	
Political dialogue and policy dialogue (e.g. in the DCI supports an initiative on land governance that could not be funded by the EDF-bilateral as it is a political issue; the leverage is created by the DCI-land governance program as it is a program for several African countries and there can be exchange of policy findings amongst programs)	
Flexibility, focus, timeliness	
Advocacy, and EU staff expertise (in quality/number)	
Policy dialogue and advocacy on key sensitive areas for global EU Development Agenda, which would otherwise not be addressed (environment, climate change, fisheries, marine environment...).	
For the bilateral cooperation component, the most critical factors are policy and political dialogues. Concerning the Civil Society and Local Authorities component however, on top of the factors mentioned earlier, advocacy and funds play a major role. It has to be noted the country has still uncovered needs and the Delegation the capacity to manage more funds.	
Policy dialogue backed up by funding is central. Budget support firmly based on government policies and priorities is key to our influence here.	
For all instruments - funding size (although in EIDHR / CSO / LA this is more in terms of relative amounts as the total amounts are quite small – but "strategic" and certainly we have more funds than most other development partners). The presence of sector expertise in the Delegation and at HQ to support and enter into meaningful policy / political (with EEAS colleagues) dialogue.	
Pour la délégation, ce sont seulement les politiques thématiques DCI qui sont utilisées. Notre Leverage sera assuré si nous avons une communication forte et cohérente en parallèle à une mise en oeuvre de nos programmes qui soit rapide, efficace et flexible. c'est le cas pour l'IcSP mais le devient aussi progressivement avec le FED (qui se simplifie) même si les temps d'instruction sont plus long.	
For DCI: the possibility - which exist at the moment - to define country priorities so as to ensure that interventions under country-level calls for proposals are relevant to the country needs and priorities and are "fit for purpose". For all instruments, the critical "leveraging" factors are good knowledge of the political, economic and social context, a capacity to monitor and use strategically the capacities of implementing partners, the skills and willingness on both sides (EU and partner country) to engage and	

<i>Responses</i>	<i>Comments</i>
the ability of the EUDs to plan and implement development assistance in close cooperation with EU MS, European financial institutions, other development actors, and Government counterparts.	
The comprehensive approach, i.e. combining political dialogue, technical assistance and financing.	
Actions should respond to needs expressed by the partner country and/or give incentives for policy reforms. The possibility to use negotiated procedures or provide core funding to Non State Actors would strengthen the potential for advocacy. Strengthen coordination and coherence between EDF NIP/RIP implementation at national level, increasing the level of engagement of EUDEL at both formulation and implementation phases	
- In our country, total ODA (including all donors) represents around 2% of GDP. In a context of changing aid architecture in the country, the leverage of funds under the DCI remains relatively limited. - Structured, coherent and results-based policy dialogue (at EU+ level) at sector level remains crucial, with the objective to move from support to (fragmented) projects to nationally-owned systems and policy reforms. - Where relevant and feasible, EU+ joint actions, implementation and analysis also contribute to improve political and policy dialogue, impact of cooperation and raise the profile and weight of the EU in Bangladesh. - More generally, EU added-value lies in its capacity for political leverage, technical expertise, and coordination.	
1. political dialogue - which ensures that actions can be embedded in a wider context 2. Speed in mobilizing funds 3. technical expertise in the delegation	
Funding is crucial - in particular regarding climate change financing; linked to both policy dialogue and political dialogue	
- Complémentarité avec les autres instruments. - L'instrument doit permettre des projets répondant réellement aux besoins: suscités par les bénéficiaires et préparation en étroite collaboration avec ceux-ci. - Imposer une bonne visibilité et communication afin de pouvoir se servir de ces projets comme "exemples" dans le cadre des dialogues avec les autorités. Développer des approches innovatives pour susciter des débats et l'intérêt.	
We need to temper our obsession with form over content, freeing up CSOs to do their work in the field rather than responding to increasingly demanding bureaucratic constraints.	
Quality of projects	
the need to add appropriate policy/political dialogue with the partner country and relevant stakeholders. In most cases, it is much more relevant the quality of Aid over quantity. Also, Policy Coherence for Development: to ensure that other EU areas of work i.e. political, security... do not undermine or contradict EU development priorities in the country. Strategic effective concentration in some key sectors/policy areas.	
Prévisibilité de la disponibilité de fonds pour les pays et des secteurs d'interventions. Capacité de suivi sectoriel de la part de la delegation. Mais ressources humaines insuffisantes par rapport à la charge de travail et donc difficulté objective à mettre en place un dialogue politique efficace.	
In the specific context of , we would need (but don't have): a proper government in charge; a set of policies and strategies; a coordination framework between donors and with the government.	
The Delegation needs to be informed well in advance about the planned CfP and their overall and specific objectives so that appropriate information circulates locally.	

<i>Responses</i>	<i>Comments</i>
EIDHR	
Policy dialogue, advocacy, political dialogue	30
Advocacy for causes which are not among government's priorities or against government policies.	
Balance between support to CSO and HR and respect of government priorities	
Complementarity with other thematic programmes (in particular CSO/LA) and bilateral programmes, as well as advocacy and political dialogue are essential to ensure EU leverage through the EIDHR.	
Everything that can be foreseen under the EIDHR can be done under the ENI. Therefore this instrument is redundant in	
In the country context support to NGO operating in this area is fundamental. Otherwise they will not get any support from any other source.	
Strengthen the participation of civil society in policy dialogue.	
Synergy with main development funding. Involvement of partner countries.	
Flexibility, focus, timeliness	
Advocacy but still with very limited space for CSO's to operate in the areas of Human Rights	
CSOs are strongly controlled by the government.	
leverage with funds through advocacy	
Stronger advocacy at broader and national level. Policy dialogue, not with EIDHR partners, but rather with national and local authorities.	
Concerning the EIDHR, the most critical factors are the political dialogue and more specifically the contradiction of the Human Rights and Business diplomacies. Moreover the Member States represented in have varied levels of commitment towards Human Rights issues, based sometimes on their political or otherwise cycles. This last point distorts sometimes the EU actions on this field.	
EIDHR is important in enabling us to follow through on issues raised in political dialogue. HRD support mechanism adds to our credibility with civil society and enables us to respond to urgent needs.	
For all instruments - funding size (although in EIDHR / CSO / LA this is more in terms of relative amounts as the total amounts are quite small – but "strategic" and certainly we have more funds than most other development partners). The presence of sector expertise in the Delegation and at HQ to support and enter into meaningful policy / political (with EEAS colleagues) dialogue.	
Government support and interest in the EU integration process, and strong policy dialogue.	
coherence with HR and Democracy Strategy (the EIDHR should be a more operational tool of this strategy)	
leverage of funds; support to human rights defenders not covered by any other instrument	
Alignment with HR strategy.	
The most critical factors to ensure EU leverage is the constant respect of European fundamental values. Particularly in the sector of Human rights, the EU should always respect the European fundamental values, approaching the dialogue with a Rights-based approach.	
The possibility - which exist at the moment - to define country priorities so as to ensure that interventions under country-level calls for proposals are relevant to the needs and priorities of the country and fit for purpose.	
The capacity to work outside the State apparatus to support civil society on issues of EU interest not necessarily aligned to the public policy agenda.	

<i>Responses</i>	<i>Comments</i>
Appropriate instrument for advocacy and political dialogue. The possibility to use negotiated procedures or provide core funding to non governmental Organisations would strengthen the potential for democracy and human rights support. Notably in fragile countries.	
The EU remains a major source of support to civil society in this country. Systematic advocacy, policy dialogue and political dialogue on governance and human rights issues remain important instruments of leverage. A structured and commonly framework for support at EU+ level (e.g. the CSO roadmap) contributes to improve political and policy dialogue, and raise the profile and weight of the EU in this country. When deemed necessary, EU+ engage in joint actions/"démarches" to address issues of concern to the Government.	
It contributes to the area of Human Rights by improving the capacity of Human Rights organisations for advocacy and dialogue. It gives the EU a chance to work with Civil Society Organisations	
1. political dialogue - which ensures that actions can be embedded in a wider context 2. Speed in mobilizing funds 3. technical expertise in the delegation	
Direct management by the European Commission / EU Delegations together with NGOs	
- Une adaptation de l'instrument aux conditions spécifiques des pays. - Développer les exercices de plaidoyers. - L'instrument doit permettre des projets répondant réellement aux besoins: suscités par les bénéficiaires et préparation en étroite collaboration avec ceux-ci. - La visibilité et la communication sur les résultats et impact.	
The independence of this instrument, which is not determined by, nor subject to, political will in the partner country.	
Quality of projects	
-extending actions to civil actors beyond authorities	
Besides coordination with other donors and policy dialogue with the government, it is very useful to link individual recipients of EIDHR grants (CSO) with each other in order to explore synergies and possible overlaps. The responsibility to push for such cooperative initiatives lies with the donor/EU, as CSOs naturally view each other as competition for the same funding, rather than partners and collaborators.	
Suivi sectorial à la fois opérationnel et politique du secteur (très faible compte tenu des ressources humaines limité) Accord avec les EM sur la ligne à tenir/priorités (le plan UE droit de l'homme est très large et il ne priorise pas les secteurs et les appuis)	
In the specific context of , we would need (but don't have): a proper government in charge; a set of policies and strategies; a coordination framework between donors and with the government.	
Policy and political dialogues Complementarity with other instruments	
Knowledge of few country interlocutors and continuous policy dialogue 1	2 countries
EDF	
Advocacy, political and policy dialogue with partner country.	15
EDF: is still the major part of our assistance to this country focusing on focal sectors and the main basis for negotiations around the political dialogue.	
Leverage of funds and align political and policy dialogue with other partners	
Ownership and mutual commitments. Stronger political dialogue is allowed using the volume of aid as leverage.	
Policy dialogue in the identification, formulation and implementation and evaluation of the programmes.	

<i>Responses</i>	<i>Comments</i>
Political dialogue can be achieved, as it done with other Instruments, without the need of resorting the role of the National Authorising Officer. The role and need of the NAO should be reviewed	
The EDF funds allow us to carry out a political and policy dialogue on a wide range of areas.	
Policy dialogue. To a large extent weakened by décentralisation.	
Political dialogue and complementarity with other funds (political dialogue is essential for instance to encourage Government counterpart financing or sustainability of the investments made during EDF programs; complementarity with DCI funds (thematic, CSO/LA, regional) and with global funds is essential to broaden the impact of EDF-Bilateral funds that are necessarily limited)	
Structured political and policy dialog through DP's plat forms	
Sufficient and qualified staff to follow up interventions with political/policy dialogue. Often too limited since the focus is on management of funds not policy impact. Too much administration focussed. The deconcentration to Delegations was mend to allow with the additional staff to free time for policy dialogue. Instead the procedures which used to be done at HQ have now come down at Delegation level without the additional free time to engage in policy dialogue.	
Policy dialogue is difficult to have at a substantial level	
A source of significant financial support to partner countries which contributes to policy dialogue and support structural reforms. A very powerful asset to be used in support of regular political dialogue. EU could make wiser use of EDF by making clear to partner countries that EDF funds are "not a right but rather an opportunity" which the country has to seize...	
For all instruments - funding size (although in EIDHR / CSO / LA this is more in terms of relative amounts as the total amounts are quite small – but "strategic" and certainly we have more funds than most other development partners). The presence of sector expertise in the Delegation and at HQ to support and enter into meaningful policy / political (with EEAS colleagues) dialogue.	
Instrument principal pour la délégation. Il faut s'assurer que les projets des autres instruments ne dupliquent pas et viennent en complément réel des secteurs d'intervention du PIN.	
concrete, specific and regular policy dialogue notably through budget support (on reform policy and governance)	
The EDF multiannual programming is nice in terms of aid predictability but is considered as an entitlement by ACP countries. Any financing out of the EDF is then considered by ACP countries as recycling of an existing pledge and not as extra resources. Other donors who only give aid based on annual budgets are applauded by ACP countries because their pledges are counted as fresh money. The EU should keep more resources in a reserve, outside the multiannual programming.	
Funding - bases of policy dialogue Also important for political dialogue	
- La pérennisation des actions. - L'action dans la durée sans changements de caps entre les exercices de programmation - La complémentarité des instruments. - Une vraie programmation conjointe. - Etroitement combiner le dialogue politique avec les actions de coopération. -A common understanding amongst all staff members that EDF funding is not an objective in itself but a means towards UE leverage. -An institutional culture which demands more (then today) in return for the EDF funding provided	
A much greater emphasis on genuine ownership is needed. Well designed projects often fail because of lack of political will from partners. EU decision makers need to be able to turn to member states and say "we couldn't	

<i>Responses</i>	<i>Comments</i>
disburse all the funds because the conditions were not right" rather than insisting on disbursement when technically we know the project won't succeed. Culturally that means a shift away from our obsession with disbursement (quantity) to impact (quality)	
-Combination of political and policy dialogue -Defence of a European model of development assistance (grant, capacity building, good governance)	
Size of the financial envelope and policy dialogue. However, the partner country's interest in dialogue with the EU is very much defined by the amount of funds allocated.	
La participation du pays dans la definition mise en oeuvre et suivi de la programmation (PIN). Dans les pays fragiles ces aspects sont critiques. La representativité de l'Ordonnateur national qui devrait etre le porte parole du gouvernement. Sa capacité, son pouvoir d'influence sur les ministres sectoriels. Coordination/concertation avec les autres partenaires de développement, et en particulier avec les EM pour parler d'une seule voix (programmation conjointe inachevée)	
In the specific context of , we would need (but don't have): a proper government in charge; a set of policies and strategies; a coordination framework between donors and with the government.	
PI	
Political and policy dialogue, advocacy	5
Instrument specific to EU context and targeted to EU priorities and policies	
The critical factor for us is visibility. We need to be seen and heard in (capital city) and around (this country). This capital is an incredibly competitive and saturated environment to pursue a political agenda; the EU is not well understood as a political and economic actor or set of institutions, so there is a significant educational role that we must play. In addition, there are important stakeholders we need to reach who are not based in the capital. The Partnership Instrument helps in both these respects.	
The most critical factors are political dialogue and relevant policy dialogues embedded in the EU-partner country strategic partnership.	
Flexibility, adaptability to different policy dialogues, speed of mobilization.	
High level political commitment, clear link to policy objectives and dialogues, engagement with local counterparts, mobilisation of EC human resources.	
1. political dialogue - which ensures that actions can be embedded in a wider context 2. Speed in mobilizing funds 3. technical expertise in the delegation	
The most critical factors needed to ensure EU leverage through the PI are : leadership from EEAS in HQ to define priorities together with the EU Delegation, Commitment of line DGs to implement the external dimension of the international dimension of 'Europe 2020' in partner country and periodical high level policy dialogues that would permit to identify areas of common interest with this country	
INSC	
Leverage of funds, advocacy, political dialogue and policy dialogue.	
leverage of funds, involvement in the sector	
IPA	
Political and policy dialogue, and funds	2
Government support and interest in the EU integration process, and strong policy dialogue.	
As far as the instrument IPA is concerned, The most critical factors needed	

<i>Responses</i>	<i>Comments</i>
to ensure EU leverage through IPA can be summarised as follows: • Procedures for planning, programming, procurement, reporting, monitoring can be revised to be simpler. The local authorities find the relevant procedures too cumbersome and difficult to understand/follow. Also the time frame in between the planning/programming requires to be shortened. • The legal documents and relevant instructions are provided in a timely manner. Please note that delays in productions of some of the major instruction and legal documentation and also some guidance documentation followed some long time after the start of the IPA II period start time and which leads now some serious confusion in the field in relation to the development of key infrastructures required for implementation. • Ownership of the beneficiary country/ministry should be ensured for success in cooperation. • Political dialogue requires further attention to strengthen cooperation.	
Predictability of support, based on long term development strategies, agreed with Government and international donors, and with broad stakeholders consultations	
Close connection with policy dialogue and with EU enlargement policy. Concentration on larger interventions and limited number of sectors.	
IcSP	
Political and policy dialogue, advocacy	9
advocacy, speed and flexibility in mobilisation of funds	
Clearly voiced EU political will from highest levels and at least some acceptance in the political sphere in the beneficiary country.	
Funds and advocacy	
Not so relevant at the moment, as there is only one programme open and about to finalise. But it could be a relevant instrument for this country as there are priority actions to contribute to peace and stability that would be difficult to cover with EDF as it would be difficult to get agreement from the Government	
Political and policy dialogue Close consultation / coordination with federal and provincial levels Coordination with Development Partners	
Political dialogue and advocacy. Need for quick processing of financing decisions. Ensure flexibility in programming	
Rapidité d'engagement et de consommation des fonds.	
Link between operations & political dialogue (and vice versa)	
Flexibility, focus, timeliness	
In our case, and seen the very sensitive nature of the subject covered by this instrument, the most critical factor is the political dialogue with OAS, and the country authorities.	
For all instruments - funding size (although in EIDHR / CSO / LA this is more in terms of relative amounts as the total amounts are quite small – but "strategic" and certainly we have more funds than most other development partners). The presence of sector expertise in the Delegation and at HQ to support and enter into meaningful policy / political (with EEAS colleagues) dialogue.	
Technical expertise, quick mobilisation of funds, possibility to scale up interventions through other long-term actions	
RAS - voir réponse 19 - permet une réaction plus rapide	
the key factor is the political dialogue as a framework of actions under the IcSP to support actions in coherence with EU political positions	
size of engagement, speed of mobility	2
political influence, leveraging funds, policy and political dialogue	

<i>Responses</i>	<i>Comments</i>
As far as the IcSP is concerned, the most critical factors needed to ensure EU leverage is policy dialogue. In case of projects where the beneficiary is the Turkish Government directly it has proven key to closely discuss the specificity of the planned support with the Line Ministries involved as beneficiaries.	
- La complémentarité des autres instruments. - Le positionnement de l'instrument comme "pilote" pour d'éventuelles actions à plus long terme au travers des instruments de développement. - Développer les exercices de plaidoyer et de dialogue politique autour des programmes..	
-capacity to quick respond to unforeseen challenges	
This is supposed to be a comparatively fast instrument to ensure quick EU reaction to emerging crises/challenges. EU leverage with government and other donors (as well as the positive impact of the Instrument) is increased as the timeframe for Financing Decisions is shortened.	
Accord entre services sur les conditions à remplir pour la mobilization de cet instruments Concertation avec les autorités pour définir les priorités d'intervention	
In the specific context of , we would need (but don't have): a proper government in charge; a set of policies and strategies; a coordination framework between donors and with the gouvernement.	
Knowledge of few country interlocutors and continuous policy dialogue	2
ENI	
Political and policy dialogue, advocacy	2
Leverage of funds in dialogue	3
Good use of this instrument implies close correlation between assistance offered and EU Policy dialogue with the country, coordination with EUMS and other key donors. More flexibility on size of assistance is important. More speed in terms of procedures is important. Local ownership is critical for institutional reform.	
Flexibility, focus, timeliness	
EU-EUMS common messages; ensuring a high visibility for the funds; willingness of the EU to hold a rigorous line (including willingness to withhold funds when appropriate conditions are not met; ability of programme managers to engage in a dialogue on substance with the beneficiary (rather than restricting themselves to procedural issues); ruthless prioritizing to avoid dispersal of funds.	

2 Annex 2: Evaluation of External Financing Instruments Survey

Evaluation of External Financing Instruments Survey

This document is for reference only - responses will be collected exclusively through the online survey. The link has been sent to Head of Delegation.

Introduction

This survey is part of the Mid-Term evaluation of External Financing Instruments (EFIs)* under the Multiannual Financial Framework (MFF) 2014-2020. In line with Article 17 of the Common Implementing Regulation (CIR) 2014**, the evaluations will feed into a Mid-Term Review (MTR) Report to be submitted to Council and the European Parliament by December 2017. The Performance Review of the 11th EDF, provided for in Article 18*** of its implementation Regulation is aligned on this MTR. The objective of all EFI evaluations is to provide the relevant external relations services of the European Union and the wider public with an assessment of the EFIs, including complementarities and synergies among them. The survey is addressed to all Delegations. It solicits views and information from Delegations which cannot be derived from other sources. Heads of Delegation (HoD) are encouraged to consult EU Delegation colleagues, including Heads of Cooperation (HoC) and Finance and Contacts staff who specifically deal with the various EFIs. Responses should concentrate on instruments being used in the current financing period, unless otherwise indicated.

HoDs/HoCs may be contacted by Evaluation Teams of specific EFIs bilaterally, by e-mail and / or telephone, to answer more specific questions on individual EFIs. Moreover, a limited number of field visits will take place. The information collected from these interactions will complement the results from this survey as well as from the review of documents being conducted by all Evaluation Teams.

Structure of the survey

PART I (cross-cutting) - to be completed by every Delegation

PART II (instrument specific) - to be completed by those Delegations which use the specified instrument. (Please note that Part II does not include specific questions on IPA. In this case, information will be collected during the field visits scheduled later this year.)

Response is required for all questions. You can pause the survey anytime by clicking the 'save and continue survey later' button at the very bottom of each page. A link will be sent to your email address allowing you to continue the questionnaire at a later stage. Where you are asked to provide information in support of your response, please ensure you identify clearly the instruments you are referring to, and provide an explanation or give an example to illustrate your point.

Use of data

The data collected will be aggregated and thus no reference made to individual Delegations. However, where aggregated data requires an illustrative example, in that case a Delegation may be identified.

Please submit the survey by 16 November 2016.

Should you have any queries please address them to: Simon Dietrich, Survey Manager, Phone: +49 761 79074-66, E-mail: simon.dietrich@particip.de

Thank you very much in advance for your co-operation in completing this questionnaire.

* Development Co-operation Instrument, Greenland Decision, 11th European Development Fund, Partnership Instrument, European Neighbourhood Instrument, Instrument for Peace and Stability, Instrument for Pre-Accession Assistance, European Instrument for Democracy and Human Rights, Instrument for Nuclear Safety Co-operation, Common Implementing Regulation,

** Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014, OJ L77, p95

*** 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/PDF/?uri=CELEX:32015R0322&from=EN>

Part I (Section 1) - Data on respondents

Name:*

Function:*

Head of Delegation

Head of Cooperation

Other - Write In:

Partner country/countries covered by the Delegation:*

E-mail address:*

Telephone:*

Part I (Section 2) - Instruments used

Please indicate which instruments are used in the Delegation (tick all that apply).*

- Development Co-operation Instrument
- European Development Fund
- European Instrument on Democracy and Human Rights
- European Neighbourhood Instrument
- Greenland Decision
- Instrument contributing to Stability and Peace
- Instrument for Nuclear Safety Co-operation
- Instrument for Pre-Accession Assistance
- Partnership Instrument for co-operation with third countries

This question only appears if you have selected “Development Co-operation Instrument” as one of the instruments used.

Please indicate which components of the Development Co-operation Instrument you use at your Delegation (tick all that apply).*

- Geographic bilateral component
- Geographic regional component
- Global Public Goods and Challenges component
- Civil Society Organisations and Local Authorities component
- Pan African programme component

This question only appears if you have selected “European Instrument on Democracy and Human Rights”

Please indicate which components of the European Instrument on Democracy and Human Rights you use at your Delegation (tick all that apply).*

- Democracy component (in particular support to elections)
- Human rights and fundamental freedoms component

This question only appears if you have selected “Instrument contributing to Stability and Peace” as one of the instruments used.

Please indicate which components of the Instrument contributing to Stability and Peace you use at your Delegation (tick all that apply).*

- Crisis response or short-term component (Art 3)

Crisis preparedness and conflict prevention component (Art 4)
Global and trans-regional threats and emerging threats or long-term components (CBRN, etc.) (Art 5)

Part I (Section 3) - Mix of Instruments and Flexibility

Does the mix of instruments available to your Delegation correspond to current needs?*

Yes

No

Please provide information in support of your response.

Does the number of instruments used help or impede relations with partner countries/regions/other actors?*

Help

Neutral

Impede

Please provide information in support of your response.

Please indicate whether the mix of instruments used in your Delegation allows flexible and pro-active response to unexpected changes in context/crises in the following cases:*

			Please provide information to support your response. (Be sure to indicate the instrument).
	Yes*	No*	
Unforeseen demands from partner countries/regions	()	()	—
Unforeseen demands from new international commitments <i>For example, Addis Ababa Action Agenda (2015), Agenda 2030 (2015), Paris agreement on Climate Change (2015), Sendai Framework for Disaster Risk Reduction 2015 – 2030 (2015), and others</i>	()	()	—
Unforeseen demands emerging from changes in emphasis in EU agenda (eg. migration, security...)	()	()	—

Part I (Section 4) - Added value (1)

You will be shown a list of instruments used at your Delegation as answer options.

Which of the following instruments adds value to the EU's external action compared to interventions by EU Member States or other donors/actors?*

[Instrument 1]

[Instrument 2]

[...]

None

This question only appears if you have selected “Development Co-operation Instrument” as one of the instruments that add value.

Regarding the Development Co-operation Instrument, which components add value to the EU's external action compared to interventions by EU Member States or other donors/actors?*

Geographic bilateral component

Geographic regional component

Global Public Goods and Challenges component

Civil Society Organisations and Local Authorities component

Pan African programme component

This question only appears if you have selected “European Instrument on Democracy and Human Rights” as one of the instruments that add value.

Regarding the European Instrument on Democracy and Human Rights, which components add value to the EU's external action compared to interventions by EU Member States or other donors/actors?*

Democracy component (in particular support to elections)

Human rights and fundamental freedoms component

This question only appears if you have selected “Instrument contributing to Stability and Peace” as one of the instruments that add value.

Regarding the Instrument contributing to Stability and Peace, which components add value to the EU's external action compared to interventions by EU Member States or other donors/actors?*

Crisis response or short-term component (Art 3)

Crisis preparedness and conflict prevention component (Art 4)

Global and trans-regional threats and emerging threats or long-term components (CBRN, etc.) (Art 5)

Part I (Section 4) - Added value (2)

This question is repeated for each instrument (or component in the case of DCI, EIDHR and IcSP) for which you have indicated that it adds value.

How would you define the added value of the [instrument / component]?*

Size of engagement (compared to size of envelope of other actors who fund similar issues)

Particular expertise (specific skills, experience or type of activity provided that other actors do not to provide)

Political influence/leverage vis-à-vis other donors or with the partner country

Speed of mobilizing or engaging funds (i.e. measuring adoption of commission decisions – not contractual speed)

Other - Write In:

Part I (Section 5) - Leverage

This question is repeated for each instrument used at your Delegation.

What are the most critical factors needed to ensure EU leverage through the [instrument]? (i.e. leverage of either funds, advocacy, political dialogue, or policy dialogue)*

Part I (Section 6) - Visibility

This question is repeated for each instrument used at your Delegation.

In what way has the Delegation used [question("piped title")] results in-country to promote EU visibility?*

Part I (Section 7) - Coherence, Complementarity and Synergies

Is there any duplication or complementarity between the instruments used in your Delegation?*

Yes

No

Please provide information in support of your response. (Be sure to identify the specific instruments.)

You will be shown a list of instruments used at your Delegation as answer options.

Please indicate which of the instruments used in your Delegation complement or duplicate actions of other EU external action instruments**

**The other external action instruments are: Humanitarian Assistance, Macro-Financial Assistance, Common Foreign and Security Policy.*

[Instrument 1]

[Instrument 2]

[...]

None

Please provide information to support your response. (Be sure to identify the instrument, the instrument component where necessary, and the EU external action instrument.)

You will be shown a list of instruments used at your Delegation as answer options.

Please indicate which of the instruments used in your Delegation complement or duplicate those of other actors/donors.*

[Instrument 1]

[Instrument 2]

[...]

None

Please provide information to support your response. (Be sure to identify the instrument, the instrument component where necessary, and the actor/donor.)

Please comment on any challenges of co-ordination/transition experienced when using instruments simultaneously or sequentially for different aspects of the same action/situation. (Be sure to identify the specific instruments.)*

Part I (Section 8) - Efficiency

In your response, please also include any common feedback you have received from beneficiaries. 'Common' feedback refers to any feedback which you have repeatedly received from beneficiaries on the implementation of the instrument.

This question is repeated for each instrument used at your Delegation.

How can procedural and managerial processes be further simplified and harmonized to increase the efficiency of the implementation of the [instrument]?

Part I (Section 9) - Adoption of action programmes and measures; taxes; rules on nationality and origin; monitoring and evaluation

This section concerns the rules on:
the adoption of action programmes and measures;
taxes;
nationality and origin;
monitoring and evaluation.
for each of the instruments used in your Delegation.

This question is repeated for each instrument used at your Delegation.

Could these rules be simplified for the [instrument]? In what way?*

This question is repeated for each instrument used at your Delegation.

Does the scope of these rules meet the current and future implementing needs of the [instrument]?*

This question is repeated for each instrument used at your Delegation.

Are there any unintended benefits/problems arising from these rules for the [instrument]?*

Part I (Section 10) - Participation of Local and Regional Contractors

Attention of Finance and Contracts Sections Using a sample of 2 Programme Estimate (PE) records of expenditure, this question seeks to gather data on the participation of local and regional contractors* in 2013 and in 2016.

Looking at the PE imprest component's supporting documents (i.e. the PE Guide Annex 10 template record of expenditure), take one single record of expenditure, specifically the last record of expenditure received in 2013, and the most recent record of expenditure that you have for 2016.

* Local and Regional contractors are defined as contractors of eligible Partner countries. Operating costs (i.e. staff costs, office rental, office operating costs and vehicle operating costs) are not to be analysed and are to be counted, as a matter of principle, as contractors awarded to local and regional contractors.

This question is only relevant for DCI, EDF and ENI and will only appear if your Delegation uses one of these instruments. If it uses several of them, the question will be repeated for each of the three instruments used.

For the [instrument], please provide the following figures: *

	2013	2016
Total amount contracted	_____	_____
Total amount contracted to local and regional contractors	_____	_____
Total amount contracted to local and regional contractors following a single tender procedure	_____	_____
Total number of procurement contracts	_____	_____
Total number of procurement contracts to local and regional contractors	_____	_____
Total number of procurement contracts to local and regional contractors following a single tender procedure	_____	_____

Part I - Further Comments

Please feel free to provide any further comments you may have about the instruments.

Part II - Development Co-operation Instrument (DCI)

This section will only appear if you use the DCI at your Delegation.

For those Delegations which are using more than one DCI component, do these components duplicate one another in any part?*

Yes

No

Not applicable / Don't know

Please provide information in support of your response. (Be sure to identify the relevant component).

For those Delegations which are using more than one DCI component, do these components make productive synergy in any part?*

Yes

No

Not applicable / Don't know

Please provide information in support of your response. (Be sure to identify the relevant component).

Part II - European Development Fund (EDF)

This section will only appear if you use the EDF at your Delegation.

Please indicate which steps of the 11th EDF project cycle as indicated below have experienced delays and why.*

*some delays: unlikely to have an effect upon programme's effectiveness

**significant delays: expected to have a negative effect on programme's effectiveness

	Extent of delays			Delays compared to 10th EDF		Please explain
	no or minor delays*	some delays**	significant delays***	Better than 10th EDF*	Worse than 10th EDF*	
Regional programming	()	()	()	()	()	—
Intra-AP programming	()	()	()	()	()	—
Country Programming	()	()	()	()	()	—
Identification	()	()	()	()	()	—
Formulation	()	()	()	()	()	—
Review and approval by QSG	()	()	()	()	()	—
Review and approval by EDF Committee	()	()	()	()	()	—

Implementation	()	()	()	()	()	—
Monitoring	()	()	()	()	()	—
Evaluation	()	()	()	()	()	—

What measures could be taken to improve the above-mentioned cycle?

Part II - European Instrument on Democracy and Human Rights (EIDHR)

This section will only appear if you use the EIDHR at your Delegation.

To what extent does support to CSOs under the EIDHR complement support provided by Member States (MS) or other key Development Partners (DPs) in terms of :*

Size of engagement (compared to the size of the envelope of other MS and DPs funding similar issues)

Particular expertise (in terms of specific skills, experience or type of activity provided that other MS or DPs are able to provide)

Particular weight in advocacy (compared to the degree of support to advocacy provided by other MS and DPs funding similar issues)

Part II - European Neighbourhood Instrument (ENI)

This section will only appear if you use the ENI at your Delegation.

In what ways do the umbrella programmes (and ranges) provide incentives to partner countries for more structural reforms and more democracy?*

In what ways do the opportunities for development opened by the ENI regulation on programming, implementing and monitoring have an impact on the ownership of EU programmes by national authorities and civil society networks?*

Part II - Instrument contributing to Stability and Peace (IcSP)

This section will only appear if you use the IcSP at your Delegation.

In your Delegation, the IcSP has been used primarily...*

(Please indicate one/several options as relevant)

....as a last resort instrument to provide timely support and/or bridge interventions from other instruments (DCI EIDHR, ENI, IPA, INSC, EDF, Greenland, PI)

....as a precursor to engage in specific policy areas (e.g peacebuilding; mediation; global/transregional)
 ...to engage with specific stakeholders

Please explain the reason for your choice and any difficulties or benefits you encounter (specify whether you are referring to articles 3, 4, or 5 interventions).

Part II - Instrument for Nuclear Safety Co-operation (INSC)

This section will only appear if you use the INSC at your Delegation.

How has the INSC contributed to strengthen EU political leverage to move nuclear safety up the national agenda?*

Part II - Partnership Instrument for co-operation with third countries (PI)

This section will only appear if you use the PI at your Delegation.

In your view, what are the current needs that the PI, as a distinctive foreign policy instrument, addresses in the country of your Delegation?*

In your view, are there any emerging challenges and EU priorities in the country of your Delegation which the PI should provide an answer to in the future?*

3 Annex 3: Summary of OPC contributions

3.1 Summary of OPC contributions (EN)

3.1.1 Introduction

The draft evaluation report on the Common Implementing Regulation (CIR)¹²⁷ was posted on the website of the European Commission for an Open Public Consultation between 7 February and 5 May 2017¹²⁸. In parallel, the evaluation reports of all EFIs were posted on the website¹²⁹. All stakeholders in beneficiary and EU countries were welcome to participate in this consultation: public national and local authorities, non-governmental organisations, academics, development agencies and bodies, think tanks, consultancies, private sector organisations, development banks and citizens.

The objective of the web-consultation was twofold:

- To gather feedback from the broadest possible range of stakeholders, including those in beneficiary countries and in the EU Member States, on the emerging conclusions from the evaluations.
- To gather preliminary ideas on the future external financing instruments after the current ones have expired by 31 December 2020.

In addition, as part of the public consultation, DEVCO, EEAS, FPI and NEAR organised a technical workshop with over 180 participants from the European Parliament and EU Member States on 27-28 March 2017. The purpose of this workshop was to gather views on the draft evaluation reports of the External Financing Instruments and start reflections on the future of the instruments post-2020. The workshop session on the CIR took place on 28 March 2017 and drew some 20 participants, mostly representatives of Member States and the European Parliament¹³⁰.

The web consultation on the CIR solicited stakeholders' views on the findings, conclusions and recommendations of the CIR evaluation. More than 50 contributions were entered under this heading, two thirds of which went far beyond the CIR evaluation, as they addressed EFI instruments in general and even the functioning of the EU as a whole.

A total of 23 contributions received from the website consultation, the CIR workshop and also in writing were considered relevant for the finalization of the CIR evaluation report, either, because they commented on coverage and quality of the draft report itself or because they provided additional feedback on the CIR as a transversal Regulation, which was considered useful as an additional source of evidence. Most comments were positive on the report, while a few negative ones mostly questioned the coverage of the findings or asked for more detailed recommendations.

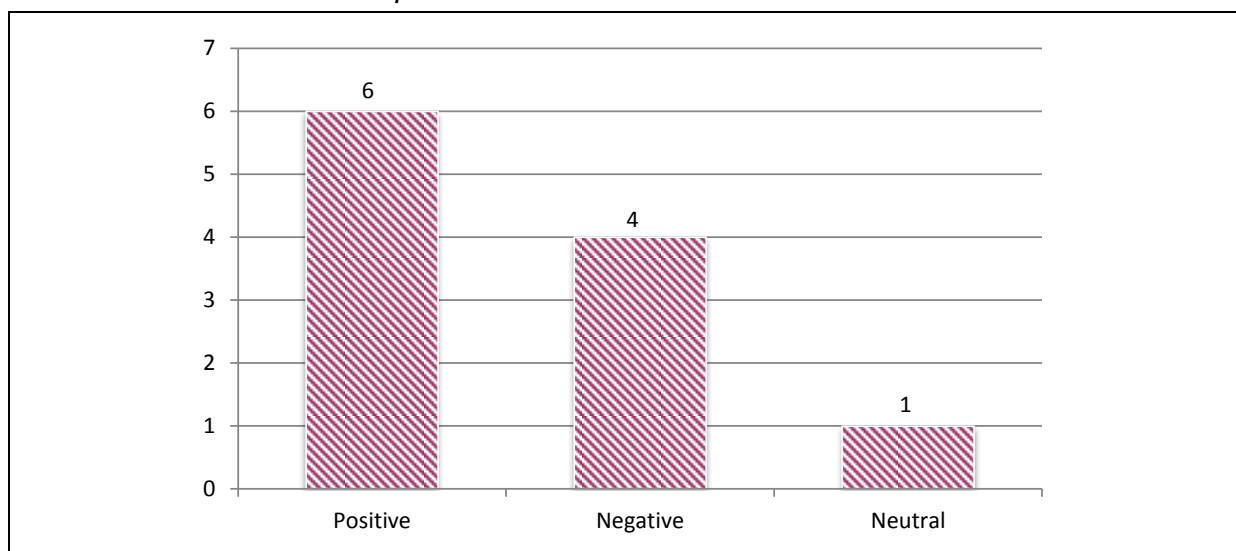
¹²⁷ Regulation (EU) No. 236/2014 of the European Parliament and the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

¹²⁸ https://ec.europa.eu/europeaid/public-consultation-external-financing-instruments-european-union_en

¹²⁹ the Development Cooperation Instrument; the European Instrument for Democracy and Human Rights; the European Neighbourhood Instrument; the Greenland Decision; the Instrument contributing to Stability and Peace; the Instrument for Nuclear Safety Co-operation; the Instrument for Pre-accession Assistance; the Partnership Instrument for cooperation with third countries; the European Development Fund.

¹³⁰ Comments included in this summary are mostly from the technical workshop, unless otherwise stated.

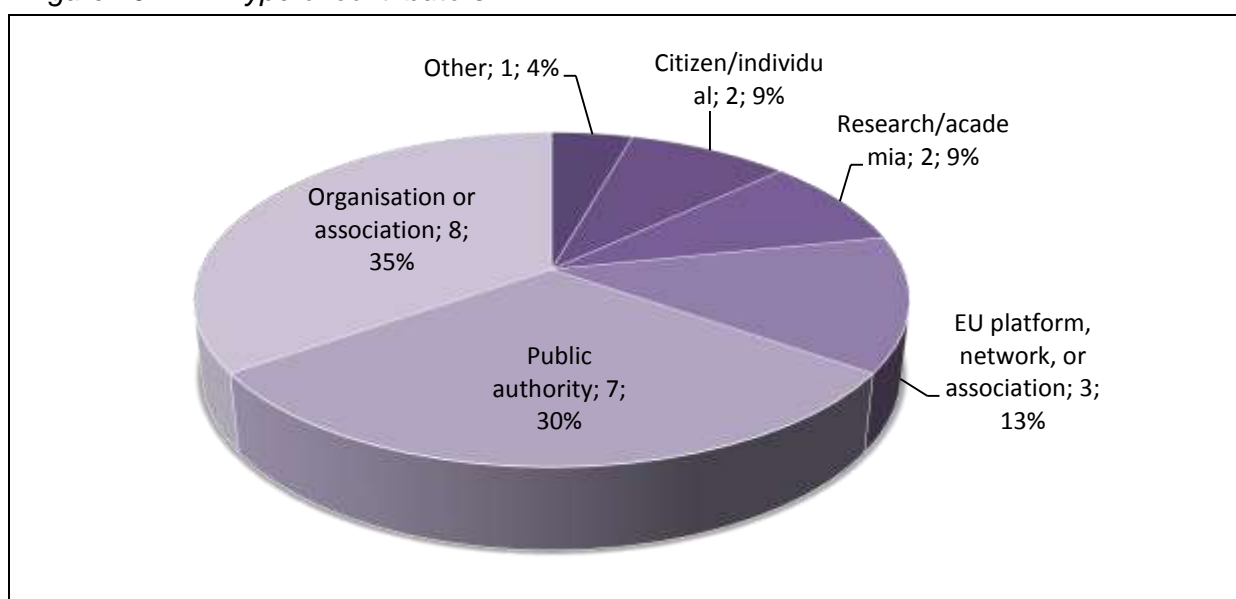
Figure 18 Views on the findings, conclusions and recommendations of the CIR evaluation report



Source: OPC extraction and own analysis

Most of the contributions received from the web, the workshop or in writing were made by organisations or associations, followed by public authorities (mostly EU Member States). The graph below illustrates the type of contributors.

Figure 19 Type of contributors



Source: OPC extractions

3.1.2 Summary of OPC contributions related to the CIR: Views on findings, conclusions and recommendations

Question: Your views on the findings, conclusions and recommendations of the CIR evaluation are welcome here.

Views on the findings, conclusions and recommendations of the CIR evaluation report

- *EU Member State (written comment and website comment):* We share the views of the CIR evaluation. The Common Implementation Rules offer good opportunities to enhance the impact of all external financing instruments, especially by improving the quality of reports and monitoring. However, CIR could be even more relevant for the EFI by setting more standardized rules for all instruments. This would contribute to coherence of the instruments and even to their flexibility. [positive]

- *Research/academia (website comment)*: I overall agree with (findings, conclusions and recommendation). They are overall very positive and I endorse them. [positive]
- *Individual citizen from non-EU country (website comment)*: In general, I agree with the conclusion of CIR evaluation report. [positive]
- *NGO from non-EU country (translated website comment)*: You say it all. [positive]
- *NGO from EU Member State (written comment and workshop comment)*. (We) welcome the idea that all EU funded programmes and projects should be accessible to persons with disabilities. Further we also appreciate the fact that this was taken up in the recent evaluation report of the Common Implementing Regulation. [positive]
- *EU Member State (written comment and website comment)*: (We) welcome the recommendation of having a CIR to allow for a harmonisation of implementing rules across EFIs. It is important to harmonise as many elements as possible as a means to facilitate the implementation of the various instruments. It should cover a harmonisation between implementing rules of the EDF and other EFIs, such as the DCI, with a view to support a one-Africa perspective and to equalise treatment of ACP member states. As a cross-cutting and central element, gender should particularly be taken into account in the harmonising process. *(workshop comment)*: The recommendation that the next CIR could introduce examination procedures for joint action programmes could be spelled out in more detail. [positive]
- *European Parliament representative (workshop comment)*: The report observes that the CIR did not significantly affect visibility, but did contribute to more accountability through the joint Annual Report, the Results Based Management Framework and the strengthening of the evaluation function. These findings are somewhat surprising. How solid are these findings? [negative]
- *Individual citizen from non-EU country (website comment)*: Need to strengthen the state of affairs analysis. (EU) must radically change approaches [negative]
- *EU Member State (written comment)* : We welcome the objective of simplifying the Common Implementing Regulation (CIR) and continue to support the idea that the procedures for the European Union's external action instruments should be harmonized, While respecting the main principles of coherence, complementarity, monitoring and evaluation of rules, actions and instruments. The CIR must thus ensure the transparency and visibility of the EU while preserving the adaptability of the instruments. (We) are particularly committed to the provisions related to the European dimension of aid in the CIR. As regards the evaluation itself, several points can be raised: - The question of blending is mentioned too briefly and without any real analysis as to its usefulness. We regret that the institutions / agencies managing European funds under the blending facilities were not consulted; - Emergency Trust Funds (Békou, Madad, FFU, Fund for Colombia) could have been further developed. - Monitoring and evaluation of instruments could have been analysed more in-depth, in particular as regards the link between the measures foreseen by DG DEVCO and those of DG NEAR (in particular for measuring the impacts of operations financed by financial development institutions). The aim will be to avoid unnecessary multiplication of indicators; - The recommendations of the evaluators could be clearer and more operational. [negative]
- *EU Member State (website comment)*: The evaluation should focus on how to make our external action more effective, pragmatic and coherent in the remaining part of the funding period, with more emphasis on evaluation of results of our external action. Evaluation should take into account the evolving EU policy framework, notably the implementation of the EU Global Strategy that sets out EU's strategic objectives. Thus, mid-term and long-term future of External Financing Instruments should complement and be coherent with those goals, e.g. strengthening resilience, strategic communication, internal and external security of the EU, assist in stabilization of EU's immediate neighbourhood and regions in EU's close vicinity (neighbours of our neighbours), and rise the EU visibility in this context. Recommendation sections for each instrument should include a horizontal view on the complementarities and

interactions between the various funding instruments and lessons learned. For example, the successful experience from administration to administration engagement (twinning) in Eastern Partnership countries under the European Neighbourhood Instrument could be transferred to other regions under the Development Cooperation Instrument and the European Development Fund; DCI, NEAR programmes (and) ENI etc. The forward-looking recommendations should also provide a vision for the future of Heading 4, which would then feed into the SWD's on each and all of the instruments. [negative]

- *International Financial Institution (website comment)*: We would welcome the review of the CIR to explicitly acknowledge the possibility for the EU institutions to partner with non-EU IFIs in the context of financial instruments and blending. In addition, we would encourage more flexibility to enhance partnerships, notably in projects of large scale, in order to facilitate innovative partnerships and further promote financing efficiency. [neutral]

Comments on the CIR

- *Member State representatives (workshop comment)*: The CIR was negotiated in a spirit of high expectations as to coherence, complementarity and synergies. This extended even beyond the EFIs, e.g. coherence with humanitarian assistance (ECHO). It may be stated that the CIR, though perhaps not comprehensive and explicit enough, was an important building block in the overall quest for coherence.
- *Member State representatives (workshop comment)*: The selective inclusion of substantive themes in the CIR (human rights and fundamental freedoms; climate change, persons with disabilities), as observed in the evaluation report, must be understood against the background of the particular political context at the time when the CIR was designed. The omission of gender equality as a topic is indeed surprising.
- *NGO from EU Member State (summarised and translated website comment)*: 1. Qualitative and quantitative data to conduct this evaluation were scarce. There should have been better criteria for judging financing, implementation and monitoring and evaluation. 2. We did not find disaggregated data on persons with disabilities. There should be funding criteria in this regard. We recommend that the EU develops guidelines on disability-related assistance. Disability must be included in programming, implementation, monitoring and reporting documents.
- *Member State representatives (workshop comment)*: Art. 4 of the CIR refers to general financing provisions, which can be considered as a toolbox for various forms of financial assistance, including contributions to trust funds (Art. 4 (1d)) and innovative financial instruments commonly referred to as blending (Art. 4 (1e)). It was observed, however, that the CIR lacked more specific provisions that would link these forms of financial assistance to enhanced visibility or coordinated forms of working.
- *Academic institution in EU Member State (summarised and translated website comment)*: In general, EFIs should have simpler rules and there should be greater emphasis on results. In-kind contribution rules should be simplified and in certain cases there should not be a need to submit proposals. In case recipient organisations mandated by Member States have a de-facto or de-jure monopoly or direct beneficiaries have been selected for their technical expertise or administrative capacities, direct subventions should be possible. Reporting requirements should be harmonised. Last but not least, we prefer reimbursements of real cost rather than on the basis of lumpsums. To the extent that lumpsums are maintained they should have a realistic basis.
- *Member State representatives (workshop comment)*: The Annual Report and reporting in general, could be more streamlined in terms of presentation. It is sometimes difficult to find data, and explanations of what the data is about and what the effects are.

- *NGO from EU Member State (shortened website comment):* 1. Budget support: According to the CIR, budget support should only be provided to countries which are assessed in terms of « commitment, record and progress with regard to democracy, human rights and the rule of law ». (Art. 4,2.). The evaluation report mentions that the CIR do not provide any guidance on the implementation of these principles. Considering that the EU provides budget support to a range of countries, which are clearly not committed to the abovementioned, (we) ask the EU to follow-up on this point. Budget support should only be given if there is an effective parliamentary control of the government and if the budget is spent in a transparent way. Some examples of countries, which received 2016 budget support (Source: Budget support. Annual report 2016) and which are listed in the Freedom House index as « not free » : Tajikistan, Ethiopia, Laos, Azerbaijan, Chad. . EU values: In the light of (findings of the CIR evaluation report) and the current developments worldwide, (we) appeal to the EU to highlight its core values, among which democracy and gender equality more strongly, both in the CIR as well as in the different EFI Regulations and in their implementation. 3. Nationality rule in grant contracts: The partial untying of aid (introduction of a 100.000 threshold for the rule of origin) allowed (our) members to purchase cheaper products which led to a decrease in the overall expenditure of the grant projects. Furthermore, the introduction of the threshold led to the avoidance of a source of error and hence limited the risk of ineligible costs for project implementers. Untying of aid is to be supported further, especially in the framework of procurement of service contracts within grant contracts. (We) propose that the future CIR introduce a threshold for the nationality rule of 100.000 EUR per procurement. In the current state, the nationality rule applies even to contracts of very small amounts.
- *NGO from EU Member State (website comment):* Although the Common Implementing Regulation was set up to simplify and harmonise rules of EU external action instruments, we have doubts on whether it achieved this objective. Indeed, there are still different rules per instrument as regard for example to eligibility criteria. It seems to finally add a new layer and make it sometimes very difficult for local actors to understand which are the specific rules that apply to their contract.
- *NGO from EU Member State (written comment):* the evaluation report states that there is hardly any evidence that accessibility and persons with disabilities receive adequate attention in projects. Moreover, it is stated that the accessibility requirement in the CIR at best had a neutral effect. This could be due to the fact that the CIR do not contain specific guidance for implementation and that there is limited awareness at EU Delegation level and lack of guidance from Headquarters level. To make sure the accessibility requirement in the CIR will in the future be properly implemented and in that way contributes to full accessibility of development projects and programmes, (We) recommend to disseminate internal guidance which outlines key practical features of accessible infrastructure and train EU Delegation and Headquarter staff accordingly. An interesting example could be the AUSAID guidelines for universal design. It is important to raise awareness with EU staff that Universal Design is cost-effective. Research has demonstrated that the cost of accessibility is generally less than 1% of the total construction costs. The cost of making adaptations after a building is completed lies much higher. Further, we noticed that many countries are actually thinking about accessibility in their international cooperation and making political commitments in this regard. DFID for example has committed that 'every school built with DFID development funds will be accessible to children with disabilities'. We believe that an exchange with other countries who have similar commitments to the one in the CIR, could be a great learning opportunity and might provide new ideas for concrete action. We therefore encourage the EU to set up such exchanges. *(website comment):* The Common Implementing Regulation contains an explicit reference to the fact that "in the design and implementation of programmes and projects, criteria regarding accessibility for persons with disabilities shall be duly taken into account". This commitment is in line with the UN CRPD's article 32 which states that 'international cooperation, including international development

programmes should be inclusive of and accessible to persons with disabilities'. This is also confirmed by article 9 of the UN CRPD on Accessibility.

- *International Financial Institution (website comment)*: An important aspect of the financial regulations and CIR reform would in our view be to operationalize the results of the pillar assessment carried out on EFIs procedures pursuant to the requirements of the EU financial regulation. We hope that going forward, and as a result of a reform of the financial legislative framework of the EU, the EU institutions will be in a position to place full reliance on the rules and procedures of partners which have successfully been pillar assessed and are entrusted EU funds by said institutions. In particular, we believe that the EU institutions could benefit from relying on the mature partners' own audits, accountability and financial management systems to avoid duplicating controls and thus move away from a system of "controls over controls". We believe that such an approach would result in more standardized administrative arrangements, less customization, more cost-effectiveness, and ultimately would allow WBG-EU cooperation to focus more on results rather than on the processes and use the freed resources for operations. In the same vein, the CIR would benefit from allowing a wide range of financial and operational innovation and simplification of requirements to allow private capital mobilization under the financial instruments. Looking forward, the CIR should be able to support individual projects as well as portfolio approaches to achieve the necessary scale and critical mass of interventions for transformational impact on the ground.
- *NGO in EU Member State (website comment)*: It would be more efficient if templates did not change so frequently and were fixed for a longer period. Changes and their global implementation often take time to filter through the system and are then sometimes understood differently at delegation level, which can be confusing and time consuming for applicants and partners. Linked to this more consistency from delegations in terms of understanding EU rules and procedures pertaining to contracting is required - it is not uncommon for delegations in different countries to ask us to do things differently despite grants being held under the same contract. This indicates either a need for more training at delegation level or for a central resource that applicants could defer to. Increased transparency in terms of where money has ultimately been allocated would be helpful to ensure complementarity and synergies as opposed to duplication of efforts.
- *Local Authority from partner country (website comment)*: Regulations are extremely exaggerated. Quest for transparency almost totally downgrades any efficiency or utility of actions. Micromanagement, complicated selection procedures, extremely limited amount of funds available and huge competition alienate from EU programs vast majority of sustainable, constituency based organizations and local governments and focuses on very few commercialized organizations constantly implementing projects of different donors without any sustainable effect. Aid delivered via any of these instruments is not working, international development industry as it is today, is a failure. We need to radically change modalities if we do not want social and security blow throughout the world.

Response of the evaluation team

The evaluation team expresses its gratitude to all OPC stakeholders for comments received and notes with satisfaction that the report has stimulated the debate on implementation provisions related to EFIs.

The team has carefully reviewed the current draft, notably as far as findings were concerned on the role played by the CIR in the establishment of the Results Framework, the strengthening of the evaluation functions, the new format of the Annual Report as from 2015 and visibility. It is understood that between 2011 and 2014 there was a broad-based quest, from Member States, the European Parliament and the European Commission, for enhanced accountability, and that the CIR was just an additional legal underpinning for something that would also have happened without the CIR. Requests for more in-depth treatment of practices related to Budget Support, blending and monitoring and evaluation functions could

only partly be honoured, as the focus needs to remain on the CIR – in other words, this has been an instrument evaluation, not a thematic or impact evaluation.

The team will not be able to honour the request for a more elaborate recommendation on examination procedures for joint action programmes. The intention is to just provide a stimulus to further reflexion on a finding surfacing not only in the CIR evaluation, but also in other EFI evaluation reports that examination procedures for EU action programmes are relatively compartmentalised with missed opportunities for coherence, complementarities and synergies. The further elaboration of this recommendation would require a much broader examination of comitology rules that clearly go beyond the scope of the evaluation of the CIR.

Similarly, there are limitations to a discussion in the report what the CIR should have covered or any future CIR should cover, e.g. provisions on programming, substantive topics considered important in the political climate at the time of negotiation (migration? security?) or the implications of certain forms of financial assistance (trust funds, blending) for EU visibility or coordinated forms of working.

The scope of this evaluation has been defined by parameters that governed the design of the CIR in 2014, i.e. a focus on implementation, substantive topics considered important at that time, and the level of detail for implementing rules. It is important not to judge an instrument created in the past with criteria considered important at present and / or enter the realm of speculation.

3.2 Résumé des contributions de la CPO (Consultation Publique Ouverte) (FR)

3.2.1 Introduction

Le projet de rapport d'évaluation sur le règlement commun de mise en œuvre (CIR)¹³¹ a été publié sur le site web de la Commission européenne pour une consultation publique ouverte (CPO) entre le 7 février et le 5 mai 2017¹³². Parallèlement, les rapports d'évaluation de tous les instruments de financement extérieur (IFE) ont été publiés sur le site¹³³. Toutes les parties prenantes des pays bénéficiaires et de l'UE ont été invitées à participer à cette consultation : les autorités publiques nationales et locales, les organisations non gouvernementales, les universitaires, les agences et organismes de développement, les groupes de réflexion, les consultants, les organisations du secteur privé, les banques de développement et les citoyens.

L'objectif de la consultation sur le Web était double :

- Recueillir des commentaires auprès de la plus large gamme possible d'intervenants, y compris ceux des pays bénéficiaires et des États membres de l'UE, sur les conclusions émergentes des évaluations.
- Recueillir des idées préliminaires sur les futurs instruments de financement extérieur après que les derniers sont arrivés à échéance le 31 décembre 2020.

En outre, dans le cadre de la consultation publique, DEVCO, le SEAE, la FPI et NEAR ont organisé un atelier technique avec plus de 180 participants du Parlement européen et des États membres de l'UE, les 27 et 28 mars 2017. Le but de cet atelier était de recueillir des points de vue sur les projets de rapports d'évaluation des instruments de financement extérieur et de commencer les réflexions sur l'avenir des instruments après 2020. La séance de l'atelier sur le CIR a eu lieu le 28 mars 2017 et a attiré une vingtaine de participants, principalement des représentants des États membres et du Parlement européen¹³⁴.

La consultation sur le Web sur le CIR a sollicité les points de vue des parties prenantes sur les constatations, les conclusions et les recommandations de l'évaluation CIR. Plus de 50 contributions ont été inscrites sous cette rubrique, dont les deux tiers dépassaient largement l'évaluation du CIR, car ils abordaient les IFE en général et même le fonctionnement de l'UE dans son ensemble.

Au total, 23 contributions reçues de la consultation sur le Web, de l'atelier du CIR et aussi par écrit ont été considérées comme pertinentes pour la finalisation du rapport d'évaluation du CIR, soit parce qu'elles ont commenté la couverture et la qualité du projet de rapport lui-même, soit parce qu'elles ont fourni des commentaires supplémentaires sur le CIR comme un règlement transversal, qui a été jugé utile comme source supplémentaire de preuves. La plupart des commentaires ont été positifs sur le rapport, bien que quelques commentaires négatifs ont surtout mis en doute la fiabilité des résultats ou ont demandé des recommandations plus détaillées.

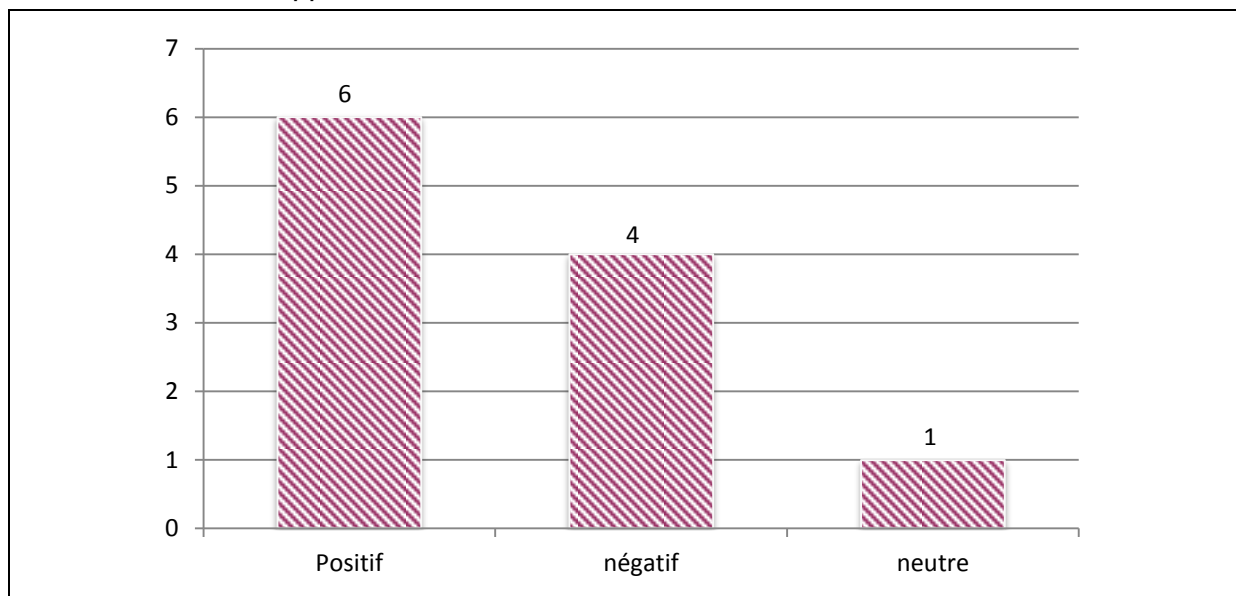
¹³¹ Règlement (UE) N° 236/2014 du Parlement européen et du Conseil du 11 mars 2014 énonçant des règles et des modalités communes pour la mise en œuvre des instruments de l'Union pour le financement de l'action extérieure.

¹³² https://ec.europa.eu/europeaid/public-consultation-external-financing-instruments-european-union_en

¹³³ L'instrument de coopération pour le développement ; l'instrument européen pour la démocratie et les droits de l'homme ; l'instrument européen de voisinage ; la décision du Groenland ; l'instrument contribuant à la stabilité et à la paix ; l'instrument de coopération en matière de sûreté nucléaire ; l'instrument d'aide de pré-adhésion ; l'instrument de partenariat pour la coopération avec les pays tiers ; le Fonds européen de développement.

¹³⁴ Les commentaires inclus dans ce résumé proviennent principalement de l'atelier technique, sauf indication contraire.

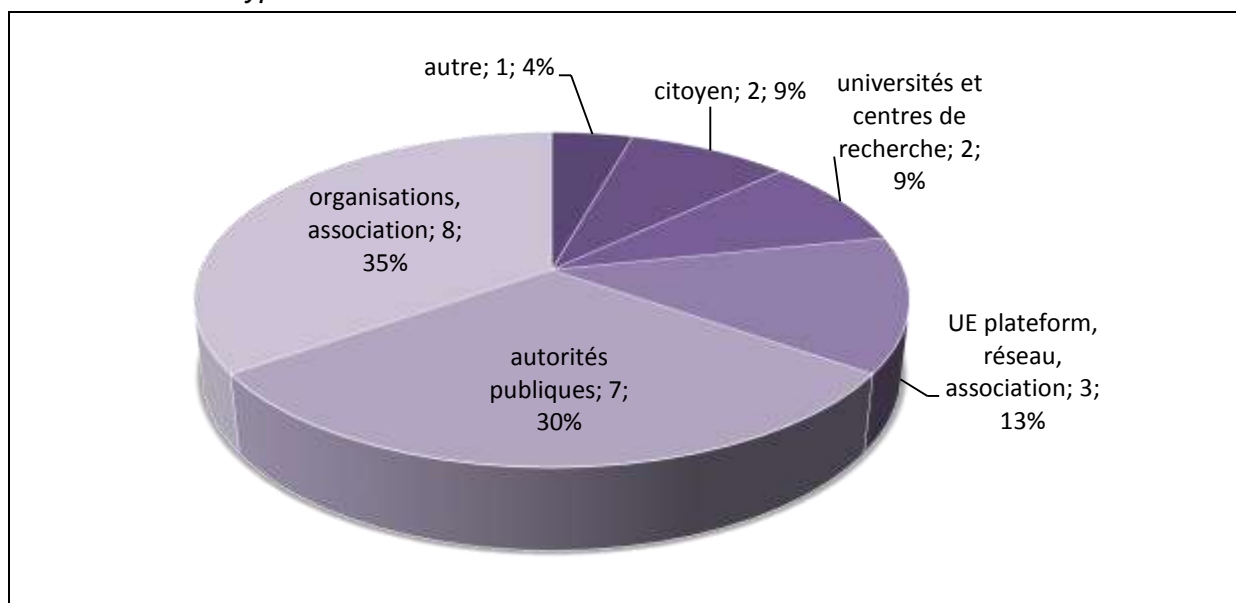
Schéma 20 Points de vue sur les constatations, les conclusions et les recommandations du rapport d'évaluation du CIR



Source : extrait de CPO et propre analyse

La plupart des contributions reçues du Web, de l'atelier ou par écrit ont été faites par des organisations ou des associations, suivies par les autorités publiques (principalement des États membres de l'UE). Le graphique ci-dessous illustre le type de contributeurs.

Schéma 21 Type de contributeurs



Source : extraits de CPO

3.2.2 Résumé des contributions de CPO relatives au CIR : Points de vue sur les constatations, les conclusions et les recommandations

Question : Vous pouvez exprimer ici vos points de vue sur les constatations les conclusions et les recommandations de l'évaluation du CIR.

Points de vue sur les constatations, les conclusions et les recommandations du rapport d'évaluation du CIR

- *État membre de l'UE (commentaire écrit et commentaire du site) :* nous partageons les points de vue de l'évaluation CIR. Les règles communes de mise en œuvre offrent de bonnes opportunités pour améliorer l'impact de tous les instruments de

financement externe, notamment en améliorant la qualité des rapports et le suivi. Cependant, le CIR pourrait être encore plus pertinent pour les IFE en définissant des règles plus standardisées pour tous les instruments. Cela contribuerait à la cohérence des instruments et même à leur flexibilité. [positif]

- *Recherche / milieu universitaire (commentaire du site)* : je suis globalement d'accord avec (constatations, conclusions et recommandations). Elles sont globalement très positives et je les approuve. [positif]
- *Citoyen issu d'un pays hors de l'UE (commentaire sur le site)* : en général, je suis d'accord avec la conclusion du rapport d'évaluation du CIR. [positif]
- *ONG d'un pays hors de l'UE (commentaire du site Web traduit)* : vous avez tout dit. [positif]
- *ONG d'un État membre de l'UE (commentaire écrit et commentaire de l'atelier)*. (Nous) nous félicitons de l'idée que tous les programmes et projets financés par l'UE soient accessibles aux personnes handicapées. En outre, nous apprécions également le fait que cela a été abordé dans le rapport d'évaluation récent du Règlement d'application commun. [positif]
- *État membre de l'UE (commentaire écrit et commentaire du site Web)* : (nous) saluons la recommandation d'avoir un CIR pour permettre une harmonisation des modalités d'application de l'ensemble des IFE. Il est important d'harmoniser autant d'éléments que possible pour faciliter la mise en œuvre des différents instruments. Cela devrait assurer une harmonisation entre les règles de mise en œuvre du FED et d'autres IFE, telles que l'ICD, en vue de soutenir une perspective africaine et d'égaliser le traitement des États membres de l'ACP. En tant qu'élément transversal et central, le genre doit être pris en compte dans le processus d'harmonisation. *(commentaire de l'atelier)* : la recommandation selon laquelle le prochain CIR pourrait introduire des procédures d'examen pour les programmes d'actions communs pourrait être expliquée plus en détail. [positif]
- *Représentant du Parlement européen (commentaire de l'atelier)* : le rapport indique que le CIR n'affectait pas significativement la visibilité, mais a contribué à plus de responsabilité à travers le rapport annuel conjoint, le cadre de gestion axée sur les résultats et le renforcement de la fonction d'évaluation. Ces résultats sont quelque peu surprenants. Quelle est la fiabilité de ces résultats ? [négatif]
- *Citoyen issu d'un pays non membre de l'UE (commentaire sur le site)* : besoin de renforcer l'analyse de l'état d'avancement. (L'UE) doit radicalement changer d'approche [négatif]
- *État membre de l'UE (commentaire écrit)* : Nous saluons l'objectif de simplification du règlement commun de mise en œuvre (CIR) et continuons de soutenir l'idée qu'il convient d'harmoniser au mieux les procédures s'appliquant aux instruments d'action extérieure de l'Union européenne, en respectant les grands principes de cohérence, de complémentarité, de suivi et d'évaluation des règles, des actions et des instruments. Le CIR doit ainsi permettre d'assurer la transparence et la visibilité de l'UE tout en préservant l'adaptabilité des instruments. (Nous sommes) particulièrement attachés aux dispositions liées à la dimension européenne de l'aide figurant dans le CIR. S'agissant du projet d'évaluation en tant que tel, plusieurs points peuvent être soulevés : - La question du mixage est évoquée trop brièvement et sans réelle analyse quant à son utilité. Nous regrettons que les institutions/agences accréditées et gérant les fonds européens dans le cadre des facilités de mixage n'aient pas été consultées ; - Les fonds fiduciaires d'urgence (Bêkou, Madad, FFU, Fonds pour la Colombie) auraient pu faire l'objet d'un développement plus important, - La question du suivi et de l'évaluation des instruments pourrait faire l'objet de plus de précisions, notamment quant à l'articulation entre les mesures prévues par la DG DEVCO et celles de la DG NEAR (en particulier pour la mesure des impacts des opérations financées par les institutions financières de développement). Il s'agira de veiller à éviter de multiplier inutilement les indicateurs ; - Les recommandations des évaluateurs pourraient être plus claires et plus opérationnelles. [négatif]

- *État membre de l'UE (commentaire sur le site)* : L'évaluation doit porter sur la manière de rendre notre action extérieure plus efficace, pragmatique et cohérente dans la partie restante de la période de financement, mettant davantage l'accent sur l'évaluation des résultats de notre action extérieure. L'évaluation devrait tenir compte de l'évolution du cadre politique de l'UE, notamment la mise en œuvre de la stratégie mondiale de l'UE qui définit les objectifs stratégiques de l'UE. Ainsi, l'avenir à moyen terme et à long terme des instruments de financement extérieur devrait compléter et être cohérent avec ces objectifs, par exemple renforcer la résilience, la communication stratégique, la sécurité interne et externe de l'UE, contribuer à la stabilisation du voisinage immédiat de l'UE et des régions proches de l'UE (voisins de nos voisins), et augmenter la visibilité de l'UE dans ce contexte. Les sections de recommandations pour chaque instrument devraient inclure une vue horizontale sur les complémentarités et les interactions entre les différents instruments de financement et les leçons apprises. Par exemple, l'expérience réussie de l'engagement d'administration à administration (jumelage) dans les pays du Partenariat oriental en vertu de l'instrument de voisinage européen pourrait être transposée dans d'autres régions dans le cadre de l'Instrument de coopération pour le développement et du Fonds européen de développement ; DCI, programmes NEAR (et) ENI etc. Les recommandations prospectives devraient également fournir une vision de l'avenir de la rubrique 4, qui alimenterait les SWD sur chacun de ces instruments. [négatif]
- *Institution financière internationale (commentaire sur le site)* : nous nous félicitons de l'examen du CIR pour reconnaître explicitement la possibilité pour les institutions de l'UE de s'associer avec des IFI non membres de l'UE dans le contexte des instruments de financement et du mixage. De plus, nous encouragerons davantage de flexibilité pour renforcer les partenariats, notamment dans les projets de grande envergure, afin de faciliter les partenariats novateurs et de promouvoir davantage l'efficacité du financement. [neutre]

Commentaires sur le CIR

- *Représentants des États membres (commentaire de l'atelier)* : Le CIR a été négocié dans un esprit d'attentes élevées quant à la cohérence, la complémentarité et les synergies. Cela s'est étendu au-delà des IFE, par exemple la cohérence avec l'aide humanitaire (ECHO). On peut affirmer que le CIR, bien que peut-être pas exhaustif et explicite, était un élément important pour la recherche générale de cohérence.
- *Représentants des États membres (commentaire de l'atelier)* : l'inclusion sélective de thèmes de fond dans le CIR (droits de l'homme et libertés fondamentales, changement climatique, personnes handicapées), comme cela a été observé dans le rapport d'évaluation, doit être comprise dans le contexte politique particulier au moment où le CIR a été conçu. L'omission de l'égalité des sexes en tant que sujet est en effet surprenante.
- *ONG d'un pays membre de l'UE (résumé et traduction du commentaire du site)* : 1. Les données qualitatives et quantitatives pour mener cette évaluation étaient rares. Les critères devraient être améliorés pour juger le financement, la mise en œuvre, le suivi et l'évaluation. 2. Nous n'avons pas trouvé de données ventilées sur les personnes handicapées. Il devrait y avoir des critères de financement à cet égard. Nous recommandons que l'UE élabore des lignes directrices sur l'assistance liée au handicap. Les personnes handicapées doivent être incluses dans les documents de programmation, de mise en œuvre, de suivi et de rapport.
- *Représentants des États membres (commentaire de l'atelier)* : l'Art. 4 du CIR se réfère aux dispositions générales de financement, qui peuvent être considérées comme une boîte à outils pour diverses formes d'assistance financière, y compris les contributions aux fonds d'affectation spéciale (article 4 (1d)) et des instruments de financement innovants communément appelés mixage (article 4 (1e)). Il a toutefois été observé que le CIR ne disposait pas de dispositions plus spécifiques qui relient

ces formes d'assistance financière à une visibilité améliorée ou à des formes coordonnées de travail.

- *Institution académique dans l'État membre de l'UE (résumé et traduction du commentaire sur le site)* : en général, les IFE devraient avoir des règles plus simples et il faudrait mettre davantage l'accent sur les résultats. Les règles de contribution en nature devraient être simplifiées et, dans certains cas, il ne devrait pas être nécessaire de soumettre des propositions. Dans le cas où les organisations bénéficiaires mandatées par les États membres ont un monopole de fait ou de droit ou des bénéficiaires directs ont été sélectionnés pour leur expertise technique ou leurs capacités administratives, des subventions directes devraient être possibles. Les exigences en matière de rapports devraient être harmonisées. Enfin, nous préférons les remboursements de coûts réels plutôt que sur la base de forfaits. Dans la mesure où les forfaits sont maintenus, ils devraient avoir une base réaliste.
- *Représentants des États membres (commentaire de l'atelier)* : le rapport annuel et les rapports en général pourraient être plus simplifiés en termes de présentation. Il est parfois difficile de trouver des données et des explications par rapport à ce à quoi les données se réfèrent et ce que sont leurs effets.
- *ONG d'un pays membre de l'UE (commentaire sur le site abrégé)* : 1. Soutien budgétaire : selon le CIR, le soutien budgétaire ne devrait être fourni qu'aux pays qui sont évalués en termes « d'engagement, d'enregistrement et de progrès en matière de démocratie, de droits de l'homme et de l'état de droit ». (Article 4, 2). Le rapport d'évaluation mentionne que le CIR ne fournit aucune indication sur la mise en œuvre de ces principes. Considérant que l'UE fournit un soutien budgétaire à une gamme de pays, qui ne s'engagent manifestement pas sur ce qui précède, (nous) demandons à l'UE de donner suite sur ce point. Le soutien budgétaire ne devrait être accordé que s'il existe un contrôle parlementaire efficace du gouvernement et si le budget est dépensé de façon transparente. Quelques exemples de pays, qui ont reçu le soutien budgétaire 2016 (Source : Soutien budgétaire. Rapport annuel 2016) et qui figurent dans l'index Freedom House comme « non libres » : le Tadjikistan, l'Éthiopie, le Laos, l'Azerbaïdjan, le Tchad. 2. Valeurs de l'UE : à la lumière des (conclusions du rapport d'évaluation CIR) et des développements actuels dans le monde entier, (nous) appelons l'UE à mettre en évidence ses valeurs fondamentales, parmi lesquelles la démocratie et l'égalité des sexes plus fortement, tant dans le CIR que dans les différents règlements des IFE et dans leur mise en œuvre. 3. Règle de nationalité dans les contrats de subvention : le déliement partiel de l'aide (introduction d'un seuil de 100 000 pour la règle d'origine) a permis aux membres d'acheter des produits moins chers, ce qui a entraîné une diminution de la dépense globale des projets de subvention. En outre, l'introduction du seuil a permis d'éviter une source d'erreur et a donc limité le risque de coûts inadmissibles pour les exécutants de projets. Le déliement de l'aide doit être davantage soutenu, en particulier dans le cadre de la passation des marchés de services dans les contrats de subvention. (Nous) proposons que le futur CIR introduise un seuil pour la règle de la nationalité de 100 000 EUR par achat. Dans l'état actuel, la règle de la nationalité s'applique même aux contrats à très faibles montants.
- *ONG d'un État membre (commentaire sur le site)* : bien que le règlement d'exécution commun a été créé pour simplifier et harmoniser les règles des instruments de l'action extérieure de l'UE, nous avons des doutes sur la question de savoir si elle atteint cet objectif. En effet, il existe encore des règles différentes par instrument en ce qui concerne, par exemple, les critères d'éligibilité. Il semble enfin ajouter une nouvelle couche et rendre parfois très difficile pour les acteurs locaux de comprendre quelles sont les règles spécifiques qui s'appliquent à leur contrat.
- *ONG d'un État membre de l'UE (commentaire écrit)* : le rapport d'évaluation indique qu'il n'y a pratiquement aucune preuve que l'accessibilité et les personnes handicapées reçoivent une attention suffisante dans les projets. En outre, il est indiqué que l'exigence d'accessibilité dans le CIR avait au mieux un effet neutre. Cela pourrait être dû au fait que le CIR ne contient pas de directives spécifiques pour la

mise en œuvre et qu'il y a une prise de conscience limitée au niveau de la délégation de l'UE et un manque d'orientation au niveau du Siège. Pour s'assurer que l'exigence d'accessibilité dans le CIR sera à l'avenir bien mise en œuvre et contribuera ainsi à la pleine accessibilité des projets et programmes de développement, (Nous) recommandons de diffuser des orientations internes qui décrivent les principales caractéristiques pratiques de l'infrastructure accessible et forment la délégation de l'UE et le Siège en conséquence. Un exemple intéressant pourrait être les directives AUSAID pour la conception universelle. Il est important de sensibiliser le personnel de l'UE au fait que la conception universelle est rentable. La recherche a démontré que le coût de l'accessibilité est généralement inférieur à 1% du coût total de la construction. Le coût de la réalisation des adaptations après la construction d'un bâtiment est beaucoup plus élevé. En outre, nous avons remarqué que de nombreux pays réfléchissaient à l'accessibilité dans leur coopération internationale et s'engageaient politiquement à cet égard. Le DFID, par exemple, s'est engagé à dire que « chaque école construite avec des fonds de développement du DFID (département du développement international) sera accessible aux enfants handicapés ». Nous pensons qu'un échange avec d'autres pays qui ont des engagements similaires à celui du CIR pourrait être une excellente opportunité d'apprentissage et pourrait donner de nouvelles idées pour des actions concrètes. Nous encourageons donc l'UE à mettre en place de tels échanges. (*commentaire du site*) : le règlement commun d'application contient une référence explicite au fait que « dans la conception et la mise en œuvre de programmes et projets, les critères d'accessibilité pour les personnes handicapées doivent être dûment pris en compte ». Cet engagement s'inscrit dans l'article 32 de la Convention relative aux droits des personnes handicapées (CRPD) de l'ONU qui stipule que « la coopération internationale, y compris les programmes internationaux de développement, devrait être inclusive et accessible aux personnes handicapées ». Ceci est également confirmé par l'article 9 du CRPD de l'ONU sur l'accessibilité.

- *Institution financière internationale (commentaire du site)* : un aspect important du règlement financier et de la réforme du CIR serait, à notre avis, d'opérationnaliser les résultats de l'évaluation du pilier menée sur les procédures IFE conformément aux exigences du règlement financier de l'UE. Nous espérons qu'à l'avenir, et à la suite d'une réforme du cadre législatif financier de l'UE, les institutions de l'UE seront en mesure de s'appuyer pleinement sur les règles et les procédures des partenaires qui ont été évalués avec succès et à qui des fonds de l'UE ont été confiés par ces institutions. En particulier, nous croyons que les institutions de l'UE pourraient bénéficier de la gestion des audits, de la responsabilité et des systèmes de gestion financière des partenaires matures afin d'éviter les doublons de contrôle et donc de s'éloigner d'un système de « contrôle des contrôles ». Nous croyons qu'une telle approche aboutirait à des arrangements administratifs plus standardisés, à une moindre personnalisation, à une plus grande rentabilité et, en fin de compte, permettrait à la coopération GBM-UE de se concentrer davantage sur les résultats plutôt que sur les processus et d'utiliser les ressources libérées pour les opérations. Dans le même ordre d'idées, le CIR bénéficierait d'une large gamme d'innovations financières et opérationnelles et de la simplification des exigences pour permettre la mobilisation du capital privé dans le cadre des instruments financiers. A l'avenir, le CIR devrait pouvoir soutenir les projets individuels ainsi que les approches de portefeuille pour atteindre l'échelle nécessaire et la masse critique d'interventions pour un impact considérable sur le terrain.
- *ONG d'un État membre de l'UE (commentaire du site)* : ce serait plus efficace si les modèles ne changeaient pas si fréquemment et étaient fixés pour une période plus longue. Les changements et leur mise en œuvre globale prennent souvent du temps pour filtrer le système et sont alors parfois compris différemment au niveau des délégations, ce qui peut être source de confusion et de perte de temps pour les candidats et les partenaires. Il est nécessaire de faire en sorte que les délégations dans différents pays nous demandent de faire différentes choses en fonction de la cohérence des délégations en ce qui concerne la compréhension des règles et

procédures de l'UE en matière de passation des marchés, même si les subventions sont détenues dans le même contrat. Cela indique soit un besoin de formation supplémentaire au niveau des délégations, soit une ressource centrale à laquelle les candidats peuvent se référer. Une transparence accrue quant à l'affectation finale de l'argent serait utile pour assurer la complémentarité et les synergies par opposition à la duplication des efforts.

- *Les autorités locales d'un pays partenaire (commentaire du site)* : les règlements sont extrêmement exagérés. La quête de la transparence réduit presque totalement l'efficacité ou l'utilité des actions. Le micromanagement, les procédures de sélection compliquées, le montant extrêmement limité des fonds disponibles et la concurrence énorme s'écartent des programmes de l'UE dans une grande majorité d'organisations durables, basées sur les circonscriptions et les gouvernements locaux et se concentrent sur très peu d'organisations commercialisées en mettant constamment en œuvre des projets de différents donateurs sans effet durable. L'aide délivrée par l'un de ces instruments ne fonctionne pas, l'industrie du développement international, telle qu'elle est aujourd'hui, est un échec. Nous devons radicalement changer les modalités si nous ne voulons pas d'un revers social et de sécurité dans le monde entier.

Réponse de l'équipe d'évaluation

L'équipe d'évaluation exprime sa gratitude à toutes les parties prenantes de la CPO pour les commentaires reçus et note avec satisfaction que le rapport a suscité le débat sur les dispositions de mise en œuvre relatives aux IFE.

L'équipe a examiné attentivement le projet actuel, notamment en ce qui concerne les résultats concernant le rôle joué par le CIR dans l'établissement du Cadre de résultats, le renforcement des fonctions d'évaluation, le nouveau format du rapport annuel à partir de 2015 et la visibilité. Il est entendu que, entre 2011 et 2014, les États membres, le Parlement européen et la Commission européenne ont eu une vaste démarche pour une responsabilisation accrue et que le CIR était juste un fondement juridique supplémentaire pour quelque chose qui aurait également eu lieu sans le CIR. Les demandes de traitement plus approfondi des pratiques liées au soutien budgétaire, au mixage et aux fonctions de suivi et d'évaluation ne peuvent être que partiellement honorées, car l'accent doit rester sur le CIR, c'est-à-dire une évaluation de l'instrument, pas une évaluation thématique ou des répercussions.

L'équipe ne sera pas en mesure d'honorer la demande d'une recommandation plus élaborée sur les procédures d'examen des programmes d'action conjointe. L'intention est de fournir un stimulant pour une réflexion plus approfondie sur la recherche d'un aspect non seulement dans l'évaluation du CIR, mais aussi dans d'autres rapports d'évaluation des IFE selon lesquels les procédures d'examen des programmes d'action de l'UE sont relativement compartimentées avec des occasions manquées de cohérence, de complémentarité et de synergies. L'élaboration de cette recommandation nécessiterait un examen beaucoup plus large des règles de comitologie qui vont bien au-delà de la portée de l'évaluation du CIR.

De même, il y a des limites à une discussion dans le rapport que le CIR aurait dû couvrir ou tout futur CIR devrait couvrir, par exemple, des dispositions sur la programmation, des sujets importants considérés comme importants dans le climat politique au moment de la négociation (immigration ? sécurité ?) ou les implications de certaines formes d'assistance financière (fonds d'affectation spéciale, mixage) pour la visibilité de l'UE ou des formes de travail coordonnées.

La portée de cette évaluation a été définie par des paramètres qui régissent la conception du CIR en 2014, c'est-à-dire un accent sur la mise en œuvre, des sujets de fond considérés comme importants à ce moment-là et le niveau de détail des règles de mise en œuvre. Il est important de ne pas juger un instrument créé par le passé avec des critères jugés importants actuellement et / ou de ne pas entrer dans le domaine de la spéculation.

3.3 Resumen de contribuciones a la Consulta Pública Abierta (CPA) (ES)

3.3.1 Introducción

El proyecto de informe de evaluación del Reglamento de Ejecución Común (REC)¹³⁵ se publicó en el sitio web de la Comisión Europea para una Consulta Pública Abierta (CPA) entre el 7 de febrero y el 5 de mayo de 2017¹³⁶. Paralelamente, se publicaron en el sitio web los informes de evaluación de todos los Instrumentos financieros externos (IFE)¹³⁷. Todas las partes interesadas de los países beneficiarios y de la UE fueron invitadas a participar en esta consulta: autoridades públicas nacionales y locales, organizaciones no gubernamentales, académicos, agencias y organismos de desarrollo, grupos de reflexión, consultorías, organizaciones del sector privado, bancos de desarrollo y ciudadanos.

El objetivo de la consulta vía web fue doble:

- Obtener información del mayor margen posible de partes interesadas, incluidas las ubicadas en países beneficiarios y en Estados miembros de la UE, sobre las conclusiones producto de las evaluaciones.
- Reunir ideas preliminares sobre futuros instrumentos de financiación externa una vez expiren los actuales el 31 de diciembre de 2020.

Además, como parte de la consulta pública, DEVCO, SEAE, FPI y NEAR organizaron un taller técnico con más de 180 participantes del Parlamento Europeo y de los Estados miembros de la UE los días 27 y 28 de marzo de 2017. El objetivo de este taller fue reunir puntos de vista sobre los proyectos de informes de evaluación de los instrumentos de financiación externa e iniciar las reflexiones sobre el futuro de los instrumentos después de 2020. El 28 de marzo de 2017 se celebró la sesión de taller sobre el CIR, reuniendo a unos 20 participantes, en su mayoría representantes de los Estados miembros y del Parlamento Europeo¹³⁸.

La consulta web sobre el REC pedía a las partes interesadas sus opiniones sobre los hallazgos, conclusiones y recomendaciones de la evaluación del REC. Se aportaron más de 50 contribuciones bajo esta rúbrica, dos tercios de las cuales iban mucho más allá de la evaluación del REC, ya que se dirigían a los instrumentos IFE en general e incluso al funcionamiento de la UE en su conjunto.

Un total de 23 contribuciones recibidas en el sitio web de la consulta, en el taller del REC y también por escrito fueron consideradas relevantes para completar el informe de evaluación del REC porque comentaban la cobertura y calidad del borrador del informe propiamente dicho o porque proporcionaron comentarios adicionales sobre el REC como regulación transversal, algo que se consideró útil como fuente adicional de evidencias. La mayoría de los comentarios fueron positivos en el informe, mientras que algunos negativos cuestionaron en su mayoría la cobertura de los resultados o solicitaban recomendaciones más detalladas.

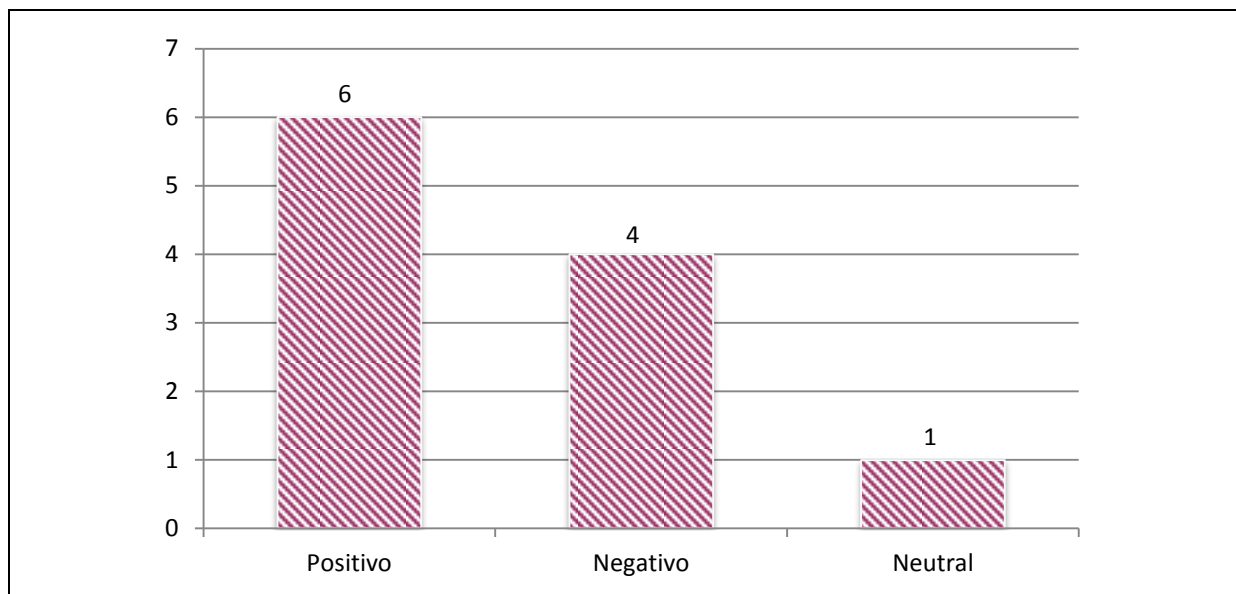
¹³⁵ Reglamento (UE) n.º 236/2014 del Parlamento Europeo y del Consejo, de 11 de marzo de 2014, por el que se establecen las normas y los procedimientos comunes para la ejecución de los instrumentos de financiación de la acción exterior de la Unión.

¹³⁶ https://ec.europa.eu/europeaid/public-consultation-external-financing-instruments-european-union_en

¹³⁷ el Instrumento de Cooperación al Desarrollo; el Instrumento Europeo para la Democracia y los Derechos Humanos; el Instrumento Europeo de Vecindad; la Decisión de Groenlandia; el Instrumento en pro de la Estabilidad y la Paz; el Instrumento para la Cooperación en materia de Seguridad Nuclear; el Instrumento de Ayuda de Preadhesión; el Instrumento de Asociación para la Cooperación con Terceros Países; el Fondo Europeo de Desarrollo.

¹³⁸ Los comentarios incluidos en este resumen son principalmente del taller técnico, a menos que se indique otra cosa.

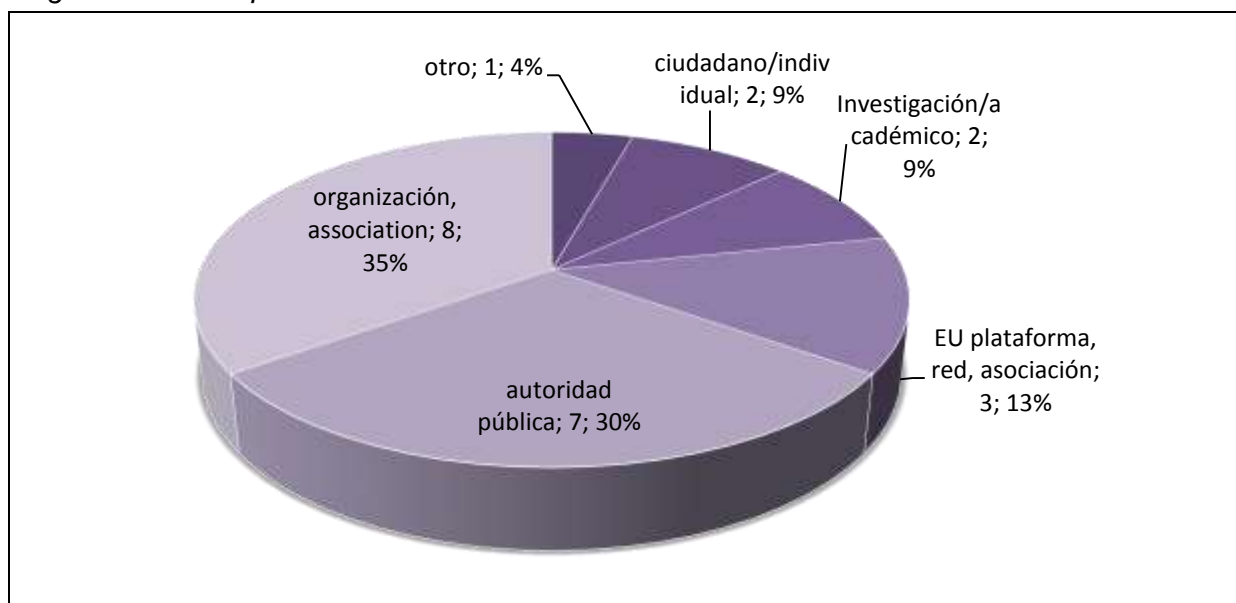
Figura 22 Percepción de los hallazgos, conclusiones y recomendaciones para el informe de evaluación del REC



Fuente: Extracto de la CPA y análisis propio

La mayor parte de las contribuciones recibidas en la web, en taller o por escrito fueron realizadas por organizaciones o asociaciones, seguidas de las autoridades públicas (en su mayoría Estados miembros de la UE). El siguiente gráfico ilustra el tipo de contribuciones.

Figura 23 Tipo de contribuciones



Fuente: Extraído de la CPA

3.3.2 Resumen de las contribuciones de la CPA relacionadas con el CIR: Percepciones sobre resultado, conclusiones y recomendaciones

Pregunta: Sus opiniones sobre los hallazgos, conclusiones y recomendaciones de la evaluación del CIR son bienvenidas aquí.

Opiniones sobre los hallazgos, conclusiones y recomendaciones del informe de evaluación del CIR

- *Estado miembro de la UE (comentario por escrito y comentario en página web):* Compartimos los puntos de vista de la evaluación del REC. El Reglamento de Ejecución Común ofrecen buenas oportunidades para mejorar el impacto de todos

los instrumentos financieros externos, especialmente mediante la mejora de la calidad de los informes y el seguimiento. Sin embargo, el REC podría ser aún más relevante para el IFE, estableciendo normas más estandarizadas para todos los instrumentos. Se contribuiría así a la coherencia de los instrumentos e incluso a su flexibilidad. [positivo]

- *Investigación/académico (comentario en el sitio web)*: En general estoy de acuerdo con (hallazgo, conclusiones y recomendaciones). En general son muy positivos y los respaldo. [positivo]
- *Ciudadano individual de país no UE (comentario en el sitio web)*: En general, estoy de acuerdo con la conclusión del informe de evaluación REC. [positivo]
- *ONG de país no pertenecientes a la UE (comentario en el sitio web traducido)*: Lo decís todo. [positivo]
- *ONG de Estado miembro de la UE (comentario escrito y comentario del taller)*. (Nosotros) acogemos con satisfacción la idea de que todos los programas y proyectos financiados por la UE deben ser accesibles a las personas con discapacidad. Además, también apreciamos el hecho de que esto se haya recogido en el reciente informe de evaluación del Reglamento de Ejecución Común. [positivo]
- *Estado miembro de la UE (comentario escrito y comentario en el sitio web)*: (Nosotros) acogemos positivamente la recomendación de disponer de un REC que permita una armonización de las normas de aplicación en todos los IFE. Es importante armonizar tantos elementos como sea posible para facilitar la aplicación de los diversos instrumentos. Debería abarcar una armonización entre las normas de aplicación del FED y otros IFE, como el ICD, con el fin de respaldar una perspectiva única en África y de igualar el trato a los Estados miembros de ACP. Como elemento transversal y central, el género debe tenerse especialmente en cuenta en el proceso de armonización. *(comentario del taller)*: La recomendación de que el próximo REC pudiera introducir procedimientos de examen para los programas de acción conjunta podría explicarse con más detalle. [positivo]
- *Representante del Parlamento Europeo (comentario del taller)*: El informe observa que el REC no afectó significativamente a la visibilidad, sino que contribuyó a una mayor rendición de cuentas a través del Informe Anual conjunto, el Marco de Gestión Basada en Resultados y el fortalecimiento de la función de evaluación. Estos resultados son algo sorprendentes. ¿Cuál es la solidez de estos resultados? [negativo]
- *Ciudadano de un país no perteneciente a la UE (comentario en el sitio web)*: Necesidad de fortalecer el estado de análisis de asuntos. (La UE) debe cambiar radicalmente los enfoques [negativo]
- *Estado miembro de la UE (comentario escrito)*: Acogemos con satisfacción el objetivo de simplificar el Reglamento de Ejecución Común (REC) y seguimos apoyando la idea de armonizar los procedimientos de los instrumentos de acción exterior de la Unión Europea, respetando los principios fundamentales de coherencia, complementariedad, seguimiento y evaluación de normas, acciones e instrumentos. Por lo tanto, el REC debe garantizar la transparencia y la visibilidad de la UE, preservando al mismo tiempo la adaptabilidad de los instrumentos. (Nosotros) estamos particularmente comprometidos con las disposiciones relacionadas con la dimensión europea de la ayuda en el REC. En cuanto a la propia evaluación, se pueden plantear varios puntos: - La cuestión de la combinación de instrumentos se menciona demasiado brevemente y sin un análisis real de su utilidad. Lamentamos que no se haya consultado a las instituciones/agencias que gestionan fondos europeos en el ámbito de la combinación de instrumentos; -Los Fondos Fiduciarios de Emergencia (Bêkou, Madad, FFU, Fondo para Colombia) podrían haberse desarrollado en más detalle. - El seguimiento y la evaluación de los instrumentos podrían haberse analizado más a fondo, en particular en lo que respecta al vínculo entre las medidas previstas por DG DEVCO y las de DG NEAR (en concreto, para medir las repercusiones de las operaciones financiadas por las instituciones

financieras de desarrollo). El objetivo será evitar la multiplicación innecesaria de indicadores; - Las recomendaciones de los evaluadores podrían ser más claras y operativas. [negativo]

- *Estado miembro de la UE (comentario en el sitio web)*: La evaluación debería centrarse en cómo hacer que nuestra acción externa sea más efectiva, pragmática y coherente en la parte restante del período de financiación, con mayor énfasis en la evaluación de los resultados de nuestra acción externa. La evaluación debe tener en cuenta la evolución del marco político de la UE, en particular la aplicación de la Estrategia Global de la UE que establece los objetivos estratégicos de la UE. Por lo tanto, el futuro a medio y largo plazo de los Instrumentos de Financiación Externa debe complementar y ser coherente con esos objetivos, por ejemplo reforzar la resiliencia, la comunicación estratégica, la seguridad interna y externa de la UE, asistir en la estabilización de los vecinos inmediatos de la UE y de las regiones inmediatamente próximas a la UE (los vecinos de nuestros vecinos), y aumentar la visibilidad de la UE en este contexto. Las secciones de recomendaciones para cada instrumento deberían incluir una visión horizontal de las complementariedades e interacciones entre los diversos instrumentos de financiación y las lecciones aprendidas. Por ejemplo, el éxito de la experiencia de vinculación de administración a administración (hermanamiento) en los países de la Asociación Oriental en el marco del Instrumento Europeo de Vecindad podría transferirse a otras regiones en el ámbito del Instrumento de Cooperación al Desarrollo y del Fondo Europeo de Desarrollo; programas ICD, NEAR (y) ENI, etc. Las recomendaciones prospectivas también deberían proporcionar una visión para el futuro de la Rúbrica 4, que luego se incorporaría a los SWD en todos y cada uno de los instrumentos. [negativo]
- *Institución Financiera Internacional (comentario en el sitio web)*: Acogeríamos con satisfacción la revisión del REC para reconocer explícitamente la posibilidad de que las instituciones de la UE se asocien con IFI no pertenecientes a la UE en el contexto de los instrumentos financieros y su combinación. Además, fomentaríamos una mayor flexibilidad para mejorar las asociaciones, en particular en proyectos de gran envergadura, con el fin de facilitar asociaciones innovadoras y promover aún más la eficiencia de la financiación. [neutral]

Comentarios sobre el REC

- *Representantes de Estados miembros (comentario del taller)*: El REC fue negociado en un espíritu de altas expectativas en cuanto a coherencia, complementariedad y sinergias. Esto se extendió incluso más allá de los IFE, p. ej., coherencia con la asistencia humanitaria (ECHO). Se puede afirmar que el REC, aunque tal vez no sea lo suficientemente amplio y explícito, constituyó un elemento importante en la búsqueda general de coherencia.
- *Representantes de Estados miembros (comentario del taller)*: La inclusión selectiva de temas sustantivos en el REC (derechos humanos y libertades fundamentales, cambio climático, personas con discapacidad), tal como se observa en el informe de evaluación, debe entenderse en el contexto político particular en el momento en que se diseñó el REC. La omisión de la igualdad de género como tema es, de hecho, sorprendente.
- *ONG de un Estado miembro de la UE (comentario resumido y traducido en el sitio web)*: 1. Los datos cualitativos y cuantitativos para realizar esta evaluación eran escasos. Debería haber mejores criterios para juzgar la financiación, la ejecución, el seguimiento y la evaluación. 2. No encontramos datos desagregados sobre personas con discapacidades. Deben existir criterios de financiación a este respecto. Recomendamos que la UE elabore directrices sobre la asistencia relacionada con la discapacidad. La discapacidad debe incluirse en los documentos de programación, ejecución, seguimiento y presentación de informes.
- *Representantes de los Estados miembros (comentario del taller)*: El Art. 4 del REC refiere a disposiciones generales de financiación, que pueden ser consideradas

como una caja de herramientas para diversas formas de asistencia financiera, incluyendo contribuciones a fondos fiduciarios (Art. 4 (1d)) e innovadores instrumentos financieros comúnmente como conocidos como combinación (Art. 4 (1e)). Se ha observado, sin embargo, que el REC carecía de disposiciones más específicas que vincularan estas formas de asistencia financiera con una mayor visibilidad o formas coordinadas de trabajo.

- *Institución académica de Estado miembro de la UE (comentario resumido y traducido)*: En general, los IFE deberían tener reglas más sencillas y debería haber mayor énfasis en los resultados. Las normas de contribución en especie deberían simplificarse y, en algunos casos, no debería haber necesidad de presentar propuestas. En el caso de que las organizaciones beneficiarias designadas por los Estados Miembros tengan un monopolio de facto o de jure o de que los beneficiarios directos hayan sido seleccionados por sus conocimientos técnicos o capacidades administrativas, deberían ser posibles las subvenciones directas. Deben armonizarse los requisitos de presentación de informes. Por último, pero no menos importante, preferimos los reembolsos del costo real en lugar de los basados en pagos únicos. En la medida en que se mantengan los pagos únicos, deberían tener una base realista.
- *Representantes de los Estados miembros (comentario del taller)*: El Informe Anual y la presentación de informes en general podrían ser más racionales en términos de presentación. A veces es difícil encontrar datos y explicaciones sobre a qué refiere un dato y cuáles son los efectos.
- *ONG de un Estado miembro de la UE (comentario resumido en el sitio web)*: 1. Respaldo presupuestario: De acuerdo con el REC, solo debe proporcionarse respaldo presupuestario a los países evaluados en términos de "compromiso, registro y progreso en materia de democracia, derechos humanos y estado de derecho". (Art. 4,2.). El informe de evaluación menciona que el REC no proporciona ninguna orientación sobre la aplicación de estos principios. Teniendo en cuenta que la UE proporciona apoyo presupuestario a una serie de países, evidentemente no comprometidos con lo antes mencionado, pedimos a la UE que haga un seguimiento de este punto. El apoyo presupuestario solo debe darse si existe un control parlamentario efectivo del gobierno y si el presupuesto se gasta de manera transparente. Algunos ejemplos de países que recibieron apoyo presupuestario para el año 2016 (Fuente: Respaldo presupuestario. Informe anual 2016) y que figuran en el índice Freedom House como «no libres»: Tayikistán, Etiopía, Laos, Azerbaiyán, Chad... Valores de la UE: A la luz de (las conclusiones del informe de evaluación del REC) y de los acontecimientos actuales en todo el mundo, hacemos un llamamiento a la UE para que destaque sus valores fundamentales, entre ellos la democracia y la igualdad de género, tanto en el REC como en los diferentes reglamentos de IFE y sus aplicaciones. 3. Regla de nacionalidad en los contratos de subvención: La desvinculación parcial de la ayuda (introducción de un umbral de 100.000 para la regla de origen) permitió a nuestros miembros comprar productos más baratos que condujeron a una disminución del gasto global de los proyectos de subvención. Además, la introducción del umbral condujo a evitar una fuente de error y, por lo tanto, limitó el riesgo de costes no subvencionables para los ejecutores de proyectos. La liberación de la ayuda debe recibir mayor respaldo, en particular en el marco de la adquisición de contratos de servicio en los contratos de subvención. (Nosotros) proponemos que el futuro REC introduzca un umbral para la norma de nacionalidad de 100.000 EUR por adquisición. En el estado actual, la regla de la nacionalidad se aplica incluso a contratos de cantidades muy pequeñas.
- *ONG de un Estado miembro de la UE (comentario en el sitio web)*: Aunque el Reglamento de Aplicación Común fue creado para simplificar y armonizar las normas de los instrumentos de la UE en materia de acción exterior, tenemos dudas sobre si se ha alcanzado este objetivo. De hecho, todavía hay diferentes normas por instrumento; por ejemplo, respecto a los criterios de elegibilidad. Al final, parece

añadir una nueva capa y hacer a veces muy difícil para los actores locales entender cuáles son las reglas específicas que se aplican a su contrato.

- *ONG de un Estado miembro de la UE (comentario escrito)*: El informe de evaluación señala que prácticamente no hay pruebas de que la accesibilidad y las personas con discapacidad reciban la atención adecuada en los proyectos. Además, se afirma que el requisito de accesibilidad en el REC en el mejor de los casos tenía un efecto neutral. Esto podría deberse a que el REC no contiene orientaciones específicas para la aplicación y que existe una escasa sensibilización a nivel de Delegación de la UE y falta de orientación por parte de la Sede. Para garantizar que los requisitos de accesibilidad en el REC se implementen adecuadamente en el futuro y contribuyan así a la plena accesibilidad de los proyectos y programas de desarrollo, recomendamos difundir una guía interna que describa las características prácticas de la infraestructura accesible y capacitar consecuentemente a la Delegación de la UE y al personal de la Sede. Un ejemplo interesante podrían ser las directrices de AUSAID para el diseño universal. Es importante concienciar al personal de la UE de que el Diseño Universal es rentable. Las investigaciones han demostrado que el costo de la accesibilidad es generalmente inferior al 1% del total de los costos de construcción. El costo de hacer adaptaciones posteriores a un edificio ya terminado es muy superior. Además, observamos que muchos países tienen realmente en cuenta la accesibilidad en su cooperación internacional y en sus compromisos políticos al respecto. El DFID, por ejemplo, se ha comprometido a que "todas las escuelas construidas con fondos de desarrollo del DFID sean accesibles a los niños con discapacidades". Creemos que un intercambio con otros países que tienen compromisos similares a los del REC podría ser una gran oportunidad de aprendizaje y podría proporcionar nuevas ideas para acciones concretas. Por lo tanto, alentamos a la UE a establecer este tipo de intercambios. *(Comentario en el sitio web)*: El Reglamento de Ejecución Común contiene una referencia explícita al hecho de que "en el diseño y ejecución de programas y proyectos se tendrán debidamente en cuenta los criterios relativos a la accesibilidad de las personas con discapacidad". Este compromiso está en línea con el artículo 32 del CRPD de las Naciones Unidas, en el que se establece que "la cooperación internacional, incluidos los programas internacionales de desarrollo, debe ser inclusiva y accesible para las personas con discapacidad". Esto también lo ratifica el artículo 9 del CRPD de Naciones Unidas sobre accesibilidad.
- *Institución financiera internacional (comentario en el sitio web)*: Un aspecto importante del reglamento financiero y de la reforma del REC en nuestra opinión sería llevar a la práctica los resultados de la evaluación de base realizada sobre los procedimientos de los IFE de conformidad con los requisitos de regulación financiera de la UE. Esperamos que, en el futuro, y como resultado de una reforma del marco legislativo financiero de la UE, las instituciones de la UE estén en condiciones de confiar plenamente en las normas y procedimientos de los socios que han sido evaluados con éxito y a los que se han confiado fondos de la UE por parte de dichas instituciones. En particular, creemos que las instituciones de la UE podrían beneficiarse de contar con los propios sistemas de auditoría, rendición de cuentas y gestión financiera de los socios expertos para evitar la duplicación de controles y, por lo tanto, alejarse de un sistema de "controles sobre controles". Creemos que tal enfoque redundaría en soluciones administrativas más estandarizadas, menos personalización, mejor rentabilidad y, en última instancia, permitiría a la cooperación entre el BM y la UE centrarse más en los resultados que en los procesos y utilizar los recursos liberados para las operaciones. En el mismo sentido, el REC se beneficiaría al permitir una amplia gama de innovaciones financieras y operativas y simplificación de requisitos para permitir la movilización de capital privado en el marco de los instrumentos financieros. Mirando hacia el futuro, el REC debe ser capaz de respaldar proyectos individuales, así como enfoques de cartera para lograr la escala necesaria y la masa crítica de intervenciones para un impacto transformacional sobre el terreno.

- *ONG en Estado miembro de la UE (comentario en el sitio web):* Sería más eficiente que las plantillas no cambiaran con tanta frecuencia y se fijaran durante un período más largo. Los cambios y su implementación global a menudo tardan en filtrarse a través del sistema y en ocasiones se entienden de manera diferente a nivel de delegación, lo que puede ser confuso y causar demoras a solicitantes y socios. En relación con esto, se requiere una mayor coherencia de las delegaciones en cuanto a la comprensión de las normas y procedimientos de la UE en materia de contratación; no es raro que delegaciones de diferentes países nos pidan que hagamos las cosas de manera diferente a pesar de que las subvenciones estén contenidas en el mismo contrato. Esto indica tanto una necesidad de más capacitación a nivel de delegación como de un recurso central al que los solicitantes podrían ser dirigidos. El aumento de la transparencia en términos de dónde se ha asignado el dinero en última instancia sería útil para garantizar la complementariedad y las sinergias en lugar de la duplicación de esfuerzos.
- *Autoridad local de país socio (comentario en página web):* Las normas son extremadamente exageradas. La búsqueda de la transparencia reduce casi por completo toda eficiencia o utilidad de las acciones. La microgestión, los complejos procedimientos de selección, la cantidad extremadamente limitada de fondos disponibles y la enorme competencia apartan de los programas de la UE a la gran mayoría de las organizaciones sostenibles y basadas en las circunscripciones y los gobiernos locales y se centra en muy pocas organizaciones comercializadas que implementan constantemente proyectos de diferentes donantes sin ningún efecto sostenible. La ayuda prestada a través de cualquiera de estos instrumentos no está funcionando, el sector del desarrollo internacional tal como es hoy en día, es un fracaso. Necesitamos cambiar radicalmente las modalidades si no queremos que la sociedad y la seguridad exploten en todo el mundo.

Respuesta del equipo de evaluación

El equipo de evaluación expresa su agradecimiento a todas las partes interesadas en la CPA por los comentarios recibidos y observa con satisfacción que el informe ha estimulado el debate sobre las disposiciones de implementación relacionadas con los IFE.

El equipo ha revisado cuidadosamente el borrador actual, especialmente en lo que respecta a las conclusiones sobre el papel desempeñado por el REC en el establecimiento del Marco de Resultados, el fortalecimiento de las funciones de evaluación, el nuevo formato del Informe Anual a partir de 2015 y la visibilidad. Se entiende que entre 2011 y 2014 hubo una amplia demanda de los Estados miembros, del Parlamento Europeo y de la Comisión Europea para mejorar la rendición de cuentas y que el REC era solo una base legal adicional para algo que también habría sucedido sin el REC. Las solicitudes de un tratamiento más profundo de las prácticas relacionadas con las funciones de respaldo presupuestario, combinación y supervisión y evaluación solo podían ser respetadas en parte, dado que el enfoque debe mantenerse sobre el REC; en otras palabras, se ha tratado de una evaluación de instrumento, no una evaluación temática o de impacto.

El equipo no podrá satisfacer la solicitud de una recomendación más elaborada sobre los procedimientos de examen de los programas de acción conjunta. La intención es simplemente dar un estímulo para una mayor reflexión sobre un hallazgo presente no solo en la evaluación del REC, sino también en otros informes de evaluación de IFE, de que los procedimientos de examen para programas de acción de la UE están relativamente compartimentados, con oportunidades perdidas para la coherencia, las complementariedades y sinergias. La elaboración detallada de esta recomendación exigiría un examen mucho más amplio de las normas de comitología, que claramente va más allá del alcance de la evaluación del REC.

Del mismo modo, hay limitaciones para un debate en el informe sobre lo que el REC debería haber cubierto o lo que cualquier REC futuro debería cubrir; p. ej., disposiciones sobre programación, temas concretos considerados importantes en el clima político en el momento de la negociación (¿migración? ¿seguridad?) o las implicaciones de determinadas formas de

ayuda financiera (fondos fiduciarios, combinaciones) para la visibilidad de la UE o formas coordinadas de trabajo.

El alcance de esta evaluación ha sido definido por parámetros que regían el diseño del REC en 2014, p. ej., un enfoque sobre la implementación, temas individuales considerados importantes en ese momento y el nivel de detalle para la implementación de las normas. Es importante no juzgar un instrumento creado en el pasado con criterios considerados importantes en la actualidad o entrar en el ámbito de la especulación.

4 Annex 4: Consultation strategy

Data collection for the CIR evaluation has been realised through a two-step approach involving separate but related exercises:

- EFI evaluation teams assessed the application of the CIR rules as part of their respective evaluations providing responses to a common set of questions (October – December 2016);
- In a second step, responses from the evaluation teams were drawn together by the CIR evaluation team, which also collected additional information (December 2016 – January 2017).

The consultation strategies of the different EFI evaluation teams were guided by Attachment 1 of the Revised TOR for the CIR evaluation issued in September / October 2016. The common set of questions included suggested sources of information and resource persons / interviewees. Information on who was interviewed and / or consulted is presented in the respective evaluation reports of the EFIs, as the instrument-specific assessment of the CIR was part of their respective ToRs. Consulted stakeholders included EU staff at headquarters and during country visits as well as Member State and partner country representatives from government, local authorities, NGOs, civil society and the private sector. Important inputs were also received from a broad range of stakeholders in partner countries and Member States during the Open Public Consultation (OPC) that took place between 7 February and 5 May 2017 (website consultation and technical workshop – see Annex 3).

The consultation strategy of the CIR evaluation team has therefore been limited to the synthesis stage of the process for the purpose of collecting additional information that was not covered in the responses from the EFI evaluation teams. The strategy was guided by Attachment 2 of the Revised CIR evaluation ToR, which also suggested sources of information and resource persons / interviewees. The table below presents who was consulted / interviewed and for what type of information. The report on the CIR-specific consultation during the OPC is included in Annex 3.

Table 12 Consultation strategy: Who, what, when and how?

Name	Position	Organisation / Unit	What? (evaluation questions)
SG — Secretariat-General			
Cindy van den Boogert	Policy Officer	Deputy Secretary-General in charge of Institutional and Administrative Policies (Directorate B), Policy Co-ordination II (Directorate E), Data Protection and the Mediation Service Dir E — Policy Co-ordination II 3. International Dimension (including G7/G20)	All
DG DEVCO - Deputy Director General - Coordination Dir A, B, D, E			
Klaus Rudischhauser	Deputy Director General		All
DG DEVCO – Reporting directly to the Director-General			
Bernard San Emeterio Cordero	International Aid/Cooperation Officer	01. General Coordination and Inter-Institutional Relations	All
Homa Dean	International Aid / Cooperation Assistant	01. General Coordination and Inter-Institutional Relations	All
Milko van Gool	Acting Head Of	02. Communication and	EQ 3

<i>Name</i>	<i>Position</i>	<i>Organisation / Unit</i>	<i>What? (evaluation questions)</i>
	Unit	Transparency	
<i>DG DEVCO – Dir A – Development Policy and International Cooperation</i>			
Nicoletta Merlo	Deputy Head of Unit	1. Policy and Coherence	EQ 3
Antonio Carlos Fernandes Teixeira	Policy Officer	1. Policy and Coherence	EQ 3
Guiseppe Balducci	Development policy	1. Policy and Coherence	EQ 3
Katarina Tafvelin	Policy Officer	2. Financing and Effectiveness	EQ 4
Susanne Wille	Deputy Head Of Unit	4. Budget Support and Public Finance Management	EQ 4
<i>DG DEVCO – Dir B – Human Development and Migration</i>			
Jean-Louis Ville	Head of Unit	1. Human Rights, Gender, Democratic Governance	EQ 2, EQ 4
Sarah Rinaldi	Deputy Head of Unit	1. Human Rights, Gender, Democratic Governance	EQ 2, EQ 4
Maria Cohi-Ramon	Programme Assistant - External Relations	2. Civil Society, Local Authorities	EQ 2, EQ 4
Alicia Martin Diaz	Adviser Disability	3. Migration, Employment, Inequalities	EQ 2, EQ 4
<i>DG DEVCO – Dir C – Sustainable Growth and Development</i>			
Jose Soler Carbo	Deputy Head of Unit; Head of Sector	2. Environment, ecosystems, biodiversity and wildlife	EQ 2
Maria Barbara Chojnacka	Manager de Programmes - Chef de secteur	3. Financial Instruments	EQ 3, EQ 5
Ana-Rosa Latorre		3. Financial Instruments	EQ 3, EQ 5
Sofia Martinez	Thematic Officer	6. Sustainable Energy and Climate Change	EQ 2
<i>DG DEVCO G Development Coordination Latin America and the Caribbean</i>			
Aniceto Rodriguez Ruiz	Deputy Head of Office	Development Coordination Latin America and Caribbean	EQ 2
Maria Fereirro		Development Coordination Latin America and Caribbean	EQ 2
Barbara Rocas Fernandez	Finance and Contracts Assistant - Initiation	3. Finance, Contracts, Audit	EQ 2
<i>DG DEVCO – Dir R — Resources and Centre of Gravity of Human Resources in Delegations</i>			
Eva Réka Vasas	Legal Officer	3. Legal Affairs	All
Laurent Sarazin	Head of Unit	3. Legal Affairs	All
Paul Verwimp	N/A	3. Legal Affairs	All
Nicola Santini	Assistant Co-ordinator for Inter-	5. Local Support and Logistics	All

<i>Name</i>	<i>Position</i>	<i>Organisation / Unit</i>	<i>What? (evaluation questions)</i>
	institutional Relations		
DG DEVCO – Coordination Dir C, G, H			
Philippe Loop	Head of Unit	04. Evaluation	EQ 2
Bridget Dillon	Evaluation Manager Chapeau Contract	04. Evaluation	All
Adrian Costandache	Evaluation Manager (second) Chapeau Contract	04. Evaluation	All
Catherine Pravin		04. Evaluation	All
Andrea Alfieri	Team Leader - Project monitoring systems and results agenda	06. Quality and Results	EQ 2
DG NEAR			
Helena Laakso	Evaluation Coordinator	Dir A — Strategy and Turkey 3. Thematic Support, Monitoring and Evaluation	All
Odoardo Como	Team Leader - Evaluation and Monitoring	Dir A — Strategy and Turkey 3. Thematic Support, Monitoring and Evaluation	EQ 2
Isabel Combes	Deputy Head of Unit	Dir A — Strategy and Turkey 4. Financial Assistance: Policy and Strategy	EQ 2
Stephan Dietzen	Policy Officer	Dir A — Strategy and Turkey 4. Financial Assistance: Policy and Strategy	EQ 2
Peter Cooney	Finance and Contracts Assistant	Dir R — Resources Contracts and Finance ENI	EQ 2
Christine Pierrard	International Aid / Cooperation Assistant	Deputy Director-General in charge of Southern Neighbourhood, Migration/Refugees and Security issues Neighbourhood South Middle East	EQ 2
FPI - Service for Foreign Policy Instruments			
Christian Meunier	Head of Unit	FPI — Service for Foreign Policy Instruments – 1. Budget, Finance, Relations with other Institutions	EQ 2
Laura Auger-Perez	Senior Expert	FPI — Service for Foreign Policy Instruments – 1. Budget, Finance, Relations with other Institutions	All
Gary Miller	Adviser	FPI — Service for Foreign Policy Instruments – 1. Budget, Finance, Relations with other Institutions	All
Thierry Fournier	Evaluation Officer	FPI — Service for Foreign Policy Instruments – 1. Budget, Finance, Relations with other Institutions	EQ 2
Matteo Banti	Team coordinator	FPI — Service for Foreign Policy Instruments – 1. Budget, Finance,	EQ 2

<i>Name</i>	<i>Position</i>	<i>Organisation / Unit</i>	<i>What? (evaluation questions)</i>
		Relations with other Institutions	
Ronan Marc Aongusa	Deputy Head of Unit	FPI — Service for Foreign Policy Instruments – 1. Budget, Finance, Relations with other Institutions	EQ 2
Marc Fiedrich	Deputy Head of Unit	2. Instrument contributing to Stability and Peace (IcSP)	EQ 2
Oliver Nette	Head of Unit	2. Instrument contributing to Stability and Peace (IcSP)	EQ 2
Kamil Valica	Planning and Programming Officer	4. Partnership Instrument	EQ 2
Nona Deprez	Deputy Head of Unit	4. Partnership Instrument	EQ 2
Georgios Tsitsopoulos	Head of Unit	5. EU Foreign Policy Regulatory Instruments & Election Observation	EQ 2
EEAS — European External Action Service			
Filiberto Ceriani Sebregondi	Head of Division	Service Deputy Secretary General for economic and global issues MD-GLOBAL — Human rights, global and multilateral issues 5 — Development cooperation coordination	All
Wolfram Vetter	Deputy Head of Division	Deputy Secretary General for economic and global issues MD-GLOBAL — Human rights, global and multilateral issues 5 — Development cooperation coordination	All
Gerald Hatler	Policy Officer	Development Cooperation Coordination	All
Gary Quince	N/A	Deputy Secretary General for economic and global issues Dir AFRICA — Africa Principal Adviser	All

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6 Annex 6: Terms of Reference



EUROPEAN COMMISSION

Directorate-General for International Cooperation and Development

SPECIFIC TERMS of REFERENCE CHAPEAU CONTRACT – ATTACHMENT 3

EVALUATION of COMMON IMPLEMENTING REGULATION (CIR)

**FRAMEWORK CONTRACT COM 2015
EuropeAid/137211/DH/SER/Multi**

[Revised version 27th October 2016 + annex 6 & 7 as attachments 1 & 2]

MANDATE

Systematic and timely evaluation of its programmes, activities, instruments, legislation and non-spending activities is a priority¹³⁹ of the European Commission¹⁴⁰ in order to demonstrate accountability and to promote lesson learning to improve policy and practice¹⁴¹.

The generic purpose of the evaluation is :

- To identify key lessons to improve and inform current and future choices
- To provide an overall independent assessment of the instrument

EVALUATION RATIONALE and SPECIFIC OBJECTIVES

The Common Implementing Regulation (CIR) evaluation together with the other independent evaluations of each external financing instrument (EFI) and the Coherence Report, will be some of the sources of information to feed into the Midterm Review Report (MTR) of the EFIs. The MTR is required by the Common Implementing Regulation (CIR) Article 17, by end of December 2017.

In addition to generating information for the MTR Report, the CIR evaluation will also provide information for:

- the delegated acts (where relevant) to be adopted by March 2018 in order to amend the CIR Regulation;
- the impact assessment for the next generation of instruments. Proposal due mid-2018;
- the final evaluation of the external financing instruments 2014-2020.

The objective of each of the individual EFI evaluations, including the CIR evaluation is:

- to provide the relevant external relations services of the European Union and the wider public with an independent assessment of the European Union's EFIs, including complementarities/synergies between the given EFI and each of the other EFIs.
- to inform the programming and implementation of the current EFIs, as well as the next generation of the EFIs.

Evaluation Users

The main users of this evaluation include the European Commission, the European External Action Service (EEAS), the Council of the European Union, and the European Parliament. The evaluation may also be of interest to the wider international development community, such as partner countries, EU Member States and their National Parliaments, EU expert groups, donors and international organisations, civil society organisations, and the general public interested in external assistance.

BACKGROUND

The multiannual financial framework (MFF) lays down the maximum annual amounts ('ceilings') which the EU may spend in different political fields ('headings') over a period of at least 5 years. The current MFF covers seven years: from 2014 to 2020.

As part of the 2014-2020 MFF, a package of External Financing Instruments (EFIs) was adopted in 2014. This package¹⁴² includes the following mix:

- Development Cooperation Instrument (DCI)¹⁴³, €19 661,64 million,
- The European Development Fund (EDF)¹⁴⁴, €30 506 million,

¹³⁹ EU Financial Regulation (art 27); Regulation (EC) No 1905/2000; Regulation (EC) No 1889/2006; Regulation (EC) No 1638/2006; Regulation (EC) No 1717/2006; Regulation (EC) No 215/2008

¹⁴⁰ SEC (2007) 213 'Responding to Strategic Needs: Reinforcing the use of evaluation'; Better Regulation package

¹⁴¹ COM (2011) 637 'Increasing the impact of EU Development Policy: an Agenda for Change'

¹⁴² For more info: http://ec.europa.eu/budget/mff/introduction/index_en.cfm#headings

¹⁴³ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014, OJ L77, p 44

¹⁴⁴ Internal Agreement establishing the 11th EDF, OJ L 210, 6.8.2013, p. 1. EDF is included in the EFIs for the purpose of the evaluations, although the EDF is outside of the EU Budget

- European Instrument for Democracy and Human Rights (EIDHR)¹⁴⁵, €1 332,75 million,
- European Neighbourhood Instrument (ENI)¹⁴⁶, €15 432,63 million,
- Instrument contributing to Stability and Peace (IcSP)¹⁴⁷, €2 338,72 million,
- Instrument for Pre-accession Assistance (IPA II)¹⁴⁸, €11 698,67 million,
- Partnership Instrument for cooperation with third countries (PI)¹⁴⁹, €954,76 million,
- Instrument for Nuclear Safety Cooperation (INSC)¹⁵⁰, €225,321 million and
- The Greenland Decision (GD)¹⁵¹, €217,8 million.
- Common Implementing Regulation (CIR)¹⁵²,

Together, these cover a significant part¹⁵³ of the EU's external action policies.

The Common Implementing Regulation was established for the first time in March 2014, to provide a single set of rules for the implementation of the following instruments:

- Development Co-operation Instrument (DCI)
- European Neighbourhood Instrument (ENI)
- Partnership Instrument (PI)
- Instrument for Peace and Stability (IcSP)
- Instrument for Pre-Accession Assistance (IPA II)
- European Instrument for Democracy and Human Rights (EIDHR)

Prior to this, implementing rules were included in each separate instrument. The motivation to place them in one regulation was to ensure a harmonised approach to implementation across the instruments concerned. The transversal nature of the CIR involving a number of 'vertical' instruments makes it unique amongst the set of EFIs.

The Common Implementing Regulation (Article 17), calls for a Mid-Term Review Report of the EFIs to be submitted to the European Parliament and the Council by the end of 2017. The instruments concerned are the aforementioned, and the Common Implementing Regulation itself. However, the INSC instrument and Greenland Decision also require a similar report, and the EDF requires a Performance Review. Consequently, all the above instruments will be covered by the CIR evaluation, and the MTR Report.

The evaluation of the CIR is being undertaken at mid-point of its current implementation (2014-2020). The entire set of EFI evaluations will be undertaken during 2016 and the first half of 2017.

Evaluation roadmaps for each of the EFIs were published in November 2015 and are available at the following link: http://ec.europa.eu/smart-regulation/roadmaps/index_en.htm

The CIR Roadmap can be found at this link:

http://ec.europa.eu/smart-regulation/roadmaps/docs/2017_devco_002_evaluation_cir_en.pdf

SCOPE of the EVALUATION

The CIR is a transversal regulation. The evaluation will assess:

- the extent to which the rules have been implemented in the case of each instrument
- the appropriateness of the implementing rules
- any gaps which need to be addressed

¹⁴⁵ Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014, OJ L77, p 85

¹⁴⁶ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014, OJ L77, p 27

¹⁴⁷ Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014, OJ L77, p 1

¹⁴⁸ Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014, OJ L77, p 11

¹⁴⁹ Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014, OJ L77, p 77

¹⁵⁰ Regulation (EU) No 237/2014 of the Council of 13 December 2013, OJ L77, p 109

¹⁵¹ Council Decision 2014/137/EU of 14 March 2014 on relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other, OJ L76, p 1

¹⁵² Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014, OJ L77, p 95

Temporal scope: The evaluation will cover the period January 1st 2014 - June 1st 2017. However, in order to assess the change which the CIR has contributed to, an understanding of the issues deriving from the way the implementing rules were treated in the earlier programming cycle (2007-2013) is required.

Geographic scope: all the countries where the instruments are active

Data sources: core information/data sources including policy frameworks (see annex 1)

Information to address the scope as outlined above will be obtained from two separate but related exercises as follows:

- (1) **The evaluation of each individual instrument** undertaken by the respective evaluation teams will include assessment of the application of the implementing rules relevant to that instrument. For the complete list of responses required from each individual EFI Evaluation Instrument, please consult annex 6 (attachment 1).
- (2) **The CIR evaluation team** (i.e. under the Chapeau contract) will gather the remaining limited information as per CIR provisions:
 - Submission of Annual Report to European Parliament and Council as from 2015
 - Mid-Term Review Report and evaluation of the Instruments
 - Committee procedures

It is the responsibility of the Chapeau Contract to draw together all the relevant material on CIR, most of which will have been generated by the nine (9)¹⁵⁴ ongoing individual instrument evaluations, analyse this material in response to the assessment criteria and evaluation questions, and to submit the evaluation report. See annex 7 (attachment 2) for some questions already identified for response.

EVALUATION CRITERIA and QUESTIONS

In line both with the Better Regulation guidelines on evaluations introduced by the Commission in 2015, and the requirements of the CIR, the main assessment criteria are relevance, effectiveness, efficiency and coherence.

Evaluation issues and questions to be further developed at inception stage are set out below.

Relevance

- To what extent was the CIR relevant at time of adoption and to what extent does it continue to be relevant ?

Effectiveness

- To what extent has the CIR delivered its objectives? eg improved delivery of the objectives of the instruments ?
- What difference has a single CIR made?

Coherence

- To what extent have the implementing rules enhanced coherence, complementarity, synergies and added value between individual instruments, and across the set of instruments ?

Efficiency

- To what extent have the implementing rules contributed to timely, cost efficient, more co-ordinated forms of working ? To what extent can the CIR be simplified ?

Leverage

- To what extent have the CIR implementing rules contributed to making the leverage of further funds or political/policy engagement possible ?

¹⁵⁴ DCI and GD in the Chapeau contract. The others are separately contracted.

RESPONSIBILITY for the MANAGEMENT of the EVALUATION

The DG DEVCO Evaluation Unit is responsible for the management and the supervision of the compilation of the CIR evaluation.

The relevant EU services have established a system of Interservice Groups to ensure appropriate oversight of the various EFI evaluations (process, content, co-ordination) related to the development of the Mid-Term Review Report. The system comprises a Global EFI ISG with overall oversight, and then individual instrument ISGs. Core members of individual instrument ISGs are also members of the Global EFI ISG.

The principal tasks of the Global EFI ISG are to :

- brief the evaluation team on issues pertaining to the overall set of EFIs
- ensure coherence across all individual Terms of Reference
- ensure co-ordination of process across the EU stakeholders
- assist in setting the schedule/plan for co-ordination across the evaluations
- ensure a coherent approach to the work and implementation eg
 - coherent set of evaluation and impact assessment questions
 - common plan and schedule for Open Public Consultation
- provide criteria of assessment and required format for the Coherence Report on the EFIs
- discuss and provide feedback on the Coherence Report

The principal tasks of the CIR ISG are to:

- brief the external evaluators and ensure they have access to all information sources and documentation on activities undertaken
- discuss draft reports produced by the external evaluators during meetings in Brussels;
- assess and provide feedback on the quality of work done by the evaluators;
- provide feedback on the findings, conclusions and recommendations.

To avoid duplication, and to consolidate information between meetings, the ISG members communicate with the evaluation team via the Evaluation Manager.

To promote robust understanding and discussion, participation of the evaluation team at ISG meetings will be as follows: the key parts of initial briefing meeting (in Brussels) will be attended by the whole evaluation team. All other meetings with the ISG will be attended by at least the evaluation team leader.

EVALUATION PROCESS and DELIVERABLES

The overall methodological guidance to be used is available on the Better Regulation website to be found here: http://ec.europa.eu/smart-regulation/guidelines/toc_guide_en.htm

The contractor may also find useful methodological guidance on the DG DEVCO website of the Evaluation Unit to be found here: http://ec.europa.eu/europeaid/how/evaluation/methodology/index_en.htm

Methodological essentials for the evaluation

- (1) The evaluation team should establish baselines against which change/progress will be measured. The policy frameworks served by each instrument are important to include when establishing baselines. The baselines will need to be co-ordinated with the other evaluations and in liaison with the Global EFI ISG.
- (2) The evaluation will need to be based on both quantitative and qualitative data. Where there is a lack of qualitative information/data it may be necessary to devise a survey to obtain information from EU Delegations, Member States, specific beneficiaries and other stakeholders as appropriate. This survey will need to be co-ordinated in terms of timing and content with the other EFI evaluations, such that all questions are absorbed into a single survey. The questions will need to be approved by the Global EFI ISG.

- (3) Intervention logics will be further strengthened/reconstructed and the theory of change which underpins them will be validated. (see appendix 6)
- (4) Findings , conclusions and recommendations should be presented in the Final Report.

Co-ordination across the evaluations

The Chapeau Contract team leader is assigned tasks relating to co-ordination of all the EFI evaluations. (See Chapeau ToR)

To fulfil this coordination role, evaluators responsible for each of the EFI evaluations are required to co-operate and work closely with the Chapeau contract team leader.

Evaluation Approach

The evaluation approach consists of three **main phases**, each of which encompass several stages. **Deliverables** in the form of reports¹⁵⁵ and slide presentations should be submitted at the end of the corresponding stages. The CIR evaluation will not have its own Desk Report stage, given that much of the information required will be generated in the individual instrument evaluations. (See annex 4)

The table below summaries these phases:

Evaluation phases:	Stages:	Deliverables ¹⁵⁶ :
1. Desk phase	<ul style="list-style-type: none"> Inception: setting out the detailed design of the evaluation, including all aspects of methodology, and consultation strategy 	<ul style="list-style-type: none"> ➤ Slide presentation ➤ Inception Report
	Data collection Initial analysis Hypotheses for validation	<ul style="list-style-type: none"> ➤
2. Validation phase	<ul style="list-style-type: none"> Data collection Validation of hypotheses 	<ul style="list-style-type: none"> ➤ Slide presentation ➤ Collated feedback
3. Synthesis phase	<ul style="list-style-type: none"> Analysis Assessment 	<ul style="list-style-type: none"> ➤ Slide presentation ➤ Draft Final Report with executive summaries, ➤ Brief to accompany Report during Open Public Consultation and questions to guide the Open Public Consultation ➤ Summary report of issues raised in the Open Public

¹⁵⁵ For each Report a draft version is to be presented. For all reports, the contractor may either accept or reject through a *response sheet* the comments provided by the Evaluation manager. In case of rejection, the contractor must justify (in writing) the reasons for rejection. When the comment is accepted, a reference to the text in the report (where the relevant change has been made) has to be included in the response sheet.

¹⁵⁶ The contractors must provide, whenever requested and in any case at the end of the evaluation, the list of all documents reviewed, data collected and databases built.

Evaluation phases:	Stages:	Deliverables ¹⁵⁶ :
		Consultation ➤ Slide presentation ➤ Final Report with executive summaries including annex summarising the consultation process

All reports will be written in English and submitted according to the timetable in annex 4 to the evaluation manager. The reports must be written in Arial or Times New Roman minimum 11 and 12 respectively, single spacing. Inception and Desk reports will be delivered only electronically. The Draft Final Report and the Final Report will also be delivered in hard copies. The Executive Summaries (1 page; and 4 pages) will be delivered both electronically and in hard copy. The 4 page version of the summary will be available both integrated into the Final Report, and as a separate stand-alone document. The Final Report will be 20 pages (max) with one (1) page and max four (4) page summaries, and annexes as necessary.

The electronic versions of all documents need to be delivered in both editable (Word) and non-editable format (PDF).

The overall methodological guidance to be used is available on the Better Regulation website to be found here: http://ec.europa.eu/smart-regulation/guidelines/toc_guide_en.htm

The Desk Phase

Inception

At the start of the evaluation process undertaken by the Chapeau contract, there will be a set of Briefing Meetings (2-3 days) held in Brussels. This will cover DCI, CIR, Greenland Decision and the Coherence Report, and co-ordination of the overall processes. The purpose is for the evaluation team to meet the Evaluation Manager, ISG groups (DCI ISG, CIR ISG, GD ISG, Global ISG), and thereafter individual members, and to meet any other key stakeholders. It will also be used by the evaluation team for at least initial discussion of the intervention logic for the overall set of EFIs under the CIR, with the Global EFI ISG.

The Inception Report

Taking into account the learning from the Briefing Meeting, the contractor will deliver an Inception Report. The Inception report will be submitted on November 2016.

The Inception Report will provide the contracting authority with the confidence that a robust evaluation will be delivered, on time.

It will include:

- Evaluation design –
- Background, institutional context, brief description and evolution of the CIR;
- Appreciation of data;
- Frame of analysis for responding to questions;
- Further defined intervention logic.
- An inventory of the evidence base;
- A consultation strategy;
- A workplan from hereonin to final submission – please note the approved Draft Final Report will join the rest of the Draft Final Reports in January 2017 and be put on website February 1st 2017.

If necessary, the Inception Report will also include suggestions of modifications to the composition of the evaluation team.

The Inception Report will be discussed with the CIR ISG prior to approval by the contracting authority. The Inception Report shall not exceed 10 pages. Additional material may be placed in annexes, as necessary.

The Desk Report and Validation phase

The Desk Report and the Validation Phase will be undertaken within the remit of the individual instrument evaluations. The work of the Chapeau contract CIR team will be to draw this material together in the draft Final Report, and then Final Report

Draft Final Report and Dissemination phases

The Draft Final Report

The contractor will submit the Draft Final Report as per the report structure set out in annex 2. The Draft Final Report shall not exceed 20 pages. Additional relevant material may be placed in annex.

This document should deliver the results of all tasks covered by these Terms of Reference, and must be written such that readers, who are not working in this area, can easily understand.

The Draft Final Report will be discussed with the CIR ISG in Brussels. The Report will be revised, as the evaluation team considers necessary, in light of feedback from the CIR ISG. The evaluation team will prepare a short brief to accompany the Report which highlights some areas and questions where feedback would be particularly welcome. This brief and its accompanying questions will be translated by the evaluation team from English into the other main languages of the Open Public Consultation, namely French and Spanish. The Draft Final Report will subsequently be submitted for approval.

The approved Draft Final Report will be placed on the web by the appropriate authority in DG DEVCO, in order to feed into the 12 week Open Public Consultation process, scheduled February – April 2017. (See Annex). This placement on the web will be synchronised with the Draft Final Reports of the other instruments.

The lead of this evaluation will need to be present for group consultations on CIR and other relevant EFI Draft Report consultations. The group consultations will be chaired by DG DEVCO, and will be targeted at Member States, key EU officials, CSOs, representatives of Partner countries.

The Open Public Consultation costs related to the presence of the experts (travel cost, per diem etc.) must be covered by the offer. The costs for logistics (room rental, catering etc.) should not be included in the offer.

Following the Open Public Consultation, a summary of the contributions received will be delivered by the evaluation team¹⁵⁷. This summary shall not exceed 20 pages, and should include a concise summary of contributions received, a statistical analysis of the contributions received, the evaluation team's response to each question, the evaluation team's conclusions for each section, and identification of the evidence/contributions which will be fed into the evaluation. The evaluation team will translate the summary from English into the other main languages of the Open Public Consultation, namely French and Spanish.

The Final Report

The contractor will prepare the Final Report taking into account the feedback from the ISG and the Open Public Consultation. The Final Report will be submitted to the ISG. The length of the Report will not exceed 20 pages. Additional relevant material may be placed in annex.

Executive summaries – One executive summary should be provided, not exceeding four (4) pages, and one executive summary of one (1) page only, should be provided. Guidance is provided in annex 2

¹⁵⁷ The evaluation team should note the data protection rules in the Better Regulation Guidelines (p.81)

The contracting authority will publish the Final Report, the Executive Summaries, the annexes and its quality assessment of the Evaluation Final Report on the Commission's central website.

Approval must be given by the Evaluation Manager before the Final Report is printed.

The offer will be based on 50 hard copies in English of the Final Main Report (without annexes) and 20 hard copies of the annexes. A non-editable version on a USB stick shall be added to each printed Final Main Report.

Dissemination

Dissemination activities may be requested. In case of financial implications on the total contractual amount, such requests will be formalised via a rider.

Working languages

The evaluation team should have an excellent command of English language, both spoken, report writing and editing.

Contributions to any internal consultations/surveys are expected to be received in English, French and Spanish. No translation to English will be provided for responses received in French, Spanish.

Contributions to the Open Public Consultation (OPC) are expected to be received mainly in English and French and Spanish. Contributions received in any other languages will be translated by the European Commission into English. No translation to English will be provided for responses received in French and Spanish.

TIMING

The individual instrument evaluations will commence from June 2016 onwards. They will have generated material to feed into the CIR Evaluation as of November 2016, and indeed earlier. The inception phase of the CIR should be undertaken in parallel with the DCI inception phase (May 2016). The Desk Report material will be undertaken within the individual instrument evaluations, therefore there will be no separate Desk Report for the CIR under this contract. A Draft Final Report, then Final Report should be submitted as per timetable in Annex 4.

OFFER FOR THE ASSIGNMENT, TEAM REQUIREMENTS, and EVALUATION CRITERIA for the OFFERS

Included under the Terms of Reference for the Chapeau Contract

ANNEXES

The contracting authority reserves the right to modify the annexes without prior notice.

ANNEXES

ANNEX 1: INDICATIVE DOCUMENTATION TO BE CONSULTED FOR THE PURPOSE OF THE EVALUATION BY THE SELECTED CONTRACTOR

General documentation

- The Common Implementing Regulation (CIR) 2014
- Regulation establishing the Development Cooperation Instrument (2014)
- European Consensus on Development (or any subsequent adaptation)
- Agenda for Change (2011)
- External action annual reports
- Programming documents
- EU Results Framework
- Available relevant evaluations
- Other relevant regulations (EFIs)
- DCI Impact Assessment 2011
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011SC1469>
- Study on Legal Instruments and Lessons Learned from the Evaluations managed by the Joint Evaluation Unit (July 2011) covering DCI, ENPI, INSC, IfS, EIDHR, ICI can be found at:
https://ec.europa.eu/europeaid/sites/devco/files/evaluation-cooperation-ec-legal-1292-main-report-201107_en_0.pdf
- Other more specific evaluations can be found at:
https://ec.europa.eu/europeaid/node/80199_en
- Annual reports on the EU's development and external assistance policies and their implementation:
https://ec.europa.eu/europeaid/annual-reports_en
- Annual and special reports of the EU Court of Auditors
<http://www.eca.europa.eu/en/Pages/AuditReportsOpinions.aspx>
- Cotonou Agreement Evaluation (due May 2016)

The following will be provided to the selected contractor:

- Template for the cover page of the final report

ANNEX 2: OVERALL STRUCTURE OF THE FINAL REPORT

The overall layout of the **Final report** is:

- Executive summary (1);
- Context of the evaluation
- Evaluation questions
- Approach and methods used
- Responses to questions (findings);
- Conclusions and recommendations(2)

Length: the final main report may not exceed 20 pages, excluding annexes. Each annex must be referenced in the main text. Additional information regarding the context, the activities and the comprehensive aspects of the methodology, including the analysis, must be put in the annexes.

The evaluation matrix must be included in the annexes. It must summarise the important responses at indicator/judgement criteria level. Each response must be clearly linked to the supporting evidence. The matrix must also include an assessment of the quality of evidence for each significant finding.

(1) Executive Summaries

The one page executive summary of the evaluation report is extra to the 20 pager limit for the main report. It should cover the objective of the evaluation, key findings and key conclusions.

The four page executive summary of the evaluation report is extra to the 20 pager limit for the main report. It should be structured as follows:

- a) 1 paragraph explaining the objectives and the challenges of the evaluation;
- b) 1 paragraph explaining the context in which the evaluation takes place;
- c) 1 paragraph referring to the methodology followed, spelling out the main tools used
- d) The general conclusions
- e) A limited number of main conclusions should be listed and classified in order of importance

The chapter on conclusions should be drafted taking the following issues into consideration:

(2) Conclusions and recommendations

- The conclusions should be grouped in "clusters" of similar issues which reflect the requirements of the CIR (e.g. added value, scope for simplification).
- The chapter on conclusions must also identify lessons to be drawn -, both positive and negative.
- Recommendations should address the weaknesses identified and reported. Recommendations should be clear, well structured, operational and realistic in the sense of providing clear, feasible and relevant input for decision making .

Annexes (non-exhaustive)

- Methodological approach;
- Evaluation matrix;
- Case studies;
- List of documents consulted;
- List of institutions met and persons interviewed;
- Results of any focus groups, expert panel etc.;
- All data bases constructed for the purpose of the evaluation
- Summary of Open Public Consultation.

EDITING

The Final Report must be proof read and copy edited, as necessary, such that it is:

- free of typing and language errors;
- consistent, concise and clear;

- well balanced between argument, tables and graphs;
- include a table of contents indicating the page number of all the chapters listed therein, a list of annexes (whose page numbering shall continue from that in the report) and a complete list in alphabetical order of any abbreviations in the text;
- contain an Executive Summary
- be typed in single spacing and printed double sided, in A4 format.

The presentation must be well spaced (the use of graphs, tables and small paragraphs is strongly recommended). The graphs must be clear (shades of grey produce better contrasts on a black and white printout).

Reports must be glued or stapled; plastic spirals are not acceptable.

The contractor is responsible for the quality of translations and ensuring that they correctly reflect with the original text.

ANNEX 3 :QUALITY ASSESSMENT GRID (TBC revised grid is under construction)

	Unacceptable	Poor	Acceptable	Good	Very good	Excellent
1. Meeting needs: Does the evaluation adequately address the information needs of the commissioning body and fit the terms of reference?						
2. Relevant scope: Is the rationale of the policy examined and its set of outputs, results and outcomes/impacts examined fully, including both intended and unexpected policy interactions and consequences?						
3. Defensible design: Is the evaluation design appropriate and adequate to ensure that the full set of findings, along with methodological limitations, is made accessible for answering the main evaluation questions?						
4. Reliable data: To what extent are the primary and secondary data selected adequate? Are they sufficiently reliable for their intended use?						
5. Sound data analysis: Is quantitative information appropriately and systematically analysed according to the state of the art so that evaluation questions are answered in a valid way?						
6. Credible findings: Do findings follow logically from, and are they justified by, the data analysis and interpretations based on carefully described assumptions and rationale?						
7. Validity of the conclusions: Does the report provide clear conclusions? Are						

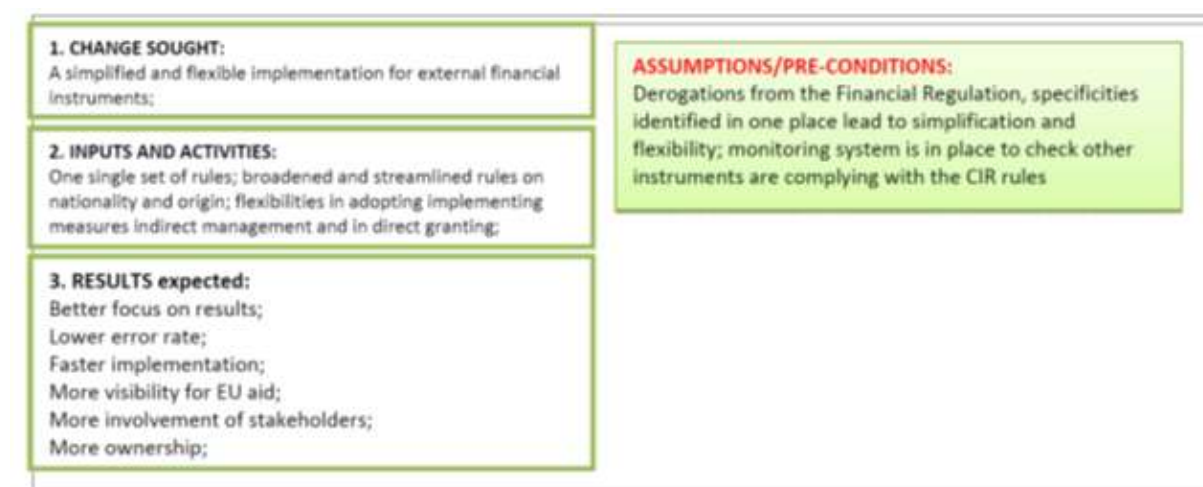
conclusions based on credible results?						
8. Clearly reported: Does the report clearly describe the policy being evaluated, including its context and purpose, together with the procedures and findings of the evaluation, so that information provided can easily be understood?						
Taking into account the contextual constraints on the evaluation, the overall quality rating of the report is considered.						

ANNEX 4 :TIMING

Evaluation Phases and Stages	Notes and Reports	Dates	Meetings/Communications
Desk Phase			
Inception stage		May 2016	Briefing session in Brussels
	Inception Report	May 2016	
<i>Desk Phase</i>	<i>Draft Desk Report</i>	<i>Each instrument September 2016</i>	<i>undertaken by individual evaluations</i>
	<i>Final Desk Report</i>	<i>Each instrument September 2016</i>	"
<i>Validation Phase</i>			
	<i>Presentation Findings</i>	<i>Each instrument October/November 2016</i>	"
Analysis and synthesis Phase		November/ December 2016	
	Draft Final Report Presentation	January 2017	CIR ISG Meeting Open Public Consultation (12 weeks as of February 1 st 2017)
	Final Report	1 st June 2017	

		Printed versions 24 th June 2017	
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ANNEX 5: INTERVENTION LOGIC



Annex 6: Implementation Rules for External Financing Instruments (EFI) For Response from each individual EFI Evaluation Instrument

	Questions	Unit	Evidence-base individual teams	Background	Link with individual EFI ToR evaluation questions (example DCI ToR)
1.	Identify the main differences (limited to the topics in item 2 below) in the rules for the relevant Instrument between the implementing rules 2007-2013 and the CIR		FPI: - Not relevant for the PI		
2.	In what ways do the rules of the CIR improve or hinder the delivery of the Instrument objectives in terms of:				
a)	Flexibility / Speed of delivery in the field of contract award procedures (i.e. articles 8 to 11 CIR on rules of nationality and origin):				
-	To what extent the nationality and rules of origin requirements of the CIR have increased the untying of aid for the Instrument, compared to its predecessor.	DEVCO/A2	<p>Horizontal:</p> <ul style="list-style-type: none"> - OECD Annual reports on the level of aid untying of all donors - untying and use of country procedures (see item b) hereunder) are Development Effectiveness Principles: a donor-wide monitoring exercise for the Global Partnership for Effective Development Cooperation (GPEDC) is carried out every two years. The next report will be out in October this year, while the previous report is on http://effectivecooperation.org/monitoring-country-progress/explore-monitoring-data/ - GPEDC Monitoring Guide 2015-2016, Indicator 10 ('Aid is untied'): OECD-DAC Creditor Reporting System; <p>DEVCO:</p> <ul style="list-style-type: none"> - DEVCO itself has also commissioned a 	<ul style="list-style-type: none"> - PRAG, 2.3.1 (origin of goods and eligibility) - PRAG Annexes A2a to A2b2 http://intragate.ec.europa.eu/dg/devco/prag/ - OECD/DAC Corrigendum relating to the DAC 2001 Recommendation on Untying Official Development Assistance to the Least Developed Countries - DCD/DAC(2007)39/FINAL/CORR3 of 17/05/2010; 	

			NEAR A4/B3/D6	<p>paper to review the implementation of Commitments by the EU: our consultants have asked the GPEDC's Joint Support Team (JST) for the raw data of the monitoring report which could be shared;</p> <ul style="list-style-type: none">- statistical data delivered by DEVCO DWH and/or Annual reporting- interviews with DEVCO/A2 <p>NEAR:</p> <ul style="list-style-type: none">- Interview with NEAR A4/B3/D6 <p>FPI:</p> <ul style="list-style-type: none">- Interviews with FPI.1. Not relevant for the Partnership Instrument (PI)		
b)		Promoting ownership:				DCI ToR, section 5.2: "To what extent does the DCI promote principles of aid effectiveness, such as ownership (...) and joint programming"
	-	To what extent has the use of country systems per Instrument increased, compared to the situation prior to 2014 (i.e. article 1(5) CIR)?	DEVCO/A2 <			

			<p>NEAR:</p> <ul style="list-style-type: none"> - interview NEAR A4/B3/D6 <p>FPI:</p> <ul style="list-style-type: none"> - not relevant for FPI instruments 	https://myintracomm.ec.europa.eu/dg/devco/finance-contracts-legal/financing-contracting-guides/Pages/programmes-estimates-guide.aspx	
	- To what extent stakeholders in the beneficiary country, such as civil society and local authorities, played a meaningful role in the preparation, implementation, monitoring and evaluation of actions (i.e. articles 4(11) and 15 CIR)? Tools, timely access to relevant information given to stakeholders, better targeting and designing of actions.	<p>DEVCO/B2</p> <p>NEAR A/4</p>	<p>DEVCO:</p> <ul style="list-style-type: none"> - EAMRs of Delegations, 2-Q3, 3-Q3 and 7-Q5; - interview DEVCO/B2; <p>NEAR:</p> <ul style="list-style-type: none"> - Interviews with DEU and NEAR A4 <p>FPI:</p> <ul style="list-style-type: none"> - Interviews with FPI.1 and EU DEL 	<p>- DEVCO:</p> <p>COMPANION Annex F1b (Action Document checklist on stakeholder analysis), section 1.1.2</p> <p>- FPI:</p> <p>Comitology-documents for IcSP and PI. QSG for PI</p> <p>FPI website for AAP and key documents</p> <p>EPLO website (www.eplo.org) on CSDN</p> <p>IcSP Guidance Note 2014</p>	
	- To what extent has the participation of local contractors increased since 2014 (i.e. article 8(6) CIR)?		To be asked through survey to DEUs and/or HQ units		
c)	<p>Promoting climate change and environment mainstreaming (i.e. articles 2(6) and 14 CIR: the EU has committed that at least 20% of its budget for 2014-2020 (including the 11th EDF) should be spent on climate change-related action); With respect to biodiversity, the Union has endorsed the Hyderabad objective to 'double total biodiversity-related international financial resource flows to developing countries.'</p> <p>To what extent have climate change and environment been mainstreamed in the actions financed under the instruments? To what effect (e.g. greater financial resources? greater use of environmental impact assessments or strategic environmental assessments? More environment/climate change sensitive</p>	<p>DEVCO/C6</p> <p>DEVCO/C2</p>	<p>DEVCO:</p> <ul style="list-style-type: none"> - Annual reports and their SWDs; - AAR and its Annex 11 (Performance Tables) - Sampling of questionnaires on 'cross-cutting issues' (environment and climate change) submitted with Action documents to QSG; - interviews with DEVCO/C6 and DEVCO/C2; - interviews with the Environment and Climate Change Mainstreaming Facility (EuropeAid-C2-MAINSTREAMING@ec.europa.eu) - Data warehouse or Statistical Dashboard: level of climate, biodiversity and desertification related funding, on the basis of Rio markers. <p>NEAR:</p> <ul style="list-style-type: none"> - Interviews with DEU+ NEAR A4 (comitology and QSG for IPA) NEAR B and C for ENI- 	<ul style="list-style-type: none"> - DEVCO Annual Activity Reports (AAR) https://myintracomm.ec.europa.eu/dg/devco/devco-management/management/spp-reporting/Pages/aar.aspx - DEVCO COMPANION Annex F3 (Template assessment cross-cutting issues), section 'Environment and climate change' - DEVCO's contribution ARES 3209956 of 05/07/2016 on Climate spending in the mid-term review/revision of the multi-annual financial framework 2014-2020: it contains the ex-ante estimates for 2016-2020, as well as the annual estimates disaggregated by budget line and the relevant figures for 2014 and 2015 as reported to the OECD DAC; - Mainstreaming Guidelines: http://capacity4dev.ec.europa.eu/public-environment-climate/document/new-guidelines-integrating-environment-and-climate-change-eu-international-cooperation-and- - OECD DAC Guidelines (annex 18 on Rio Markers): http://www.oecd.org/dac/stats/DCD-DAC(2016)3-ADD2-FINAL%20-ENG.pdf 	<p>DCI ToR, section 5.2:</p> <p><i>"To what extent does the DCI mainstream EU policy priorities (e.g. ... climate change) and other issues highlighted for mainstreaming in the instrument, and, where relevant, deliver on the commitments including the</i></p>

	design and implementation ?)		<p>QSGs</p> <p>FPI:</p> <ul style="list-style-type: none"> - Interviews with FPI.1. Not relevant for PI (no investment in infrastructures) 	<ul style="list-style-type: none"> - Development Fund (Council Regulations 2015/322 of March 2015) <i>"This Regulation should as far as possible contribute to the objective of addressing at least 20 % of the overall Union funding for climate action objectives, while respecting the principle of partnership with ACP countries enshrined in the ACP-EU Partnership Agreement"</i> 	<i>financial allocations".</i>
d)	Promoting human rights and fundamental freedoms (i.e articles 1(6) and 4(2)(3 ^d paragraph) CIR):				
	<ul style="list-style-type: none"> - To what extent has the promotion of democracy, the rule of law and respect for human rights and fundamental freedoms been included in the design of actions? To what effect (e.g greater financial resources? rights-based design of actions and implementation). 	<p>DEVCO/B1</p> <p>NEAR A3/A4</p>	<p>DEVCO:</p> <ul style="list-style-type: none"> - Annual reports and their SWDs; - Sampling of QSG 'cross-cutting issues' documents for Action documents - Sampling of Risk Management Frameworks in budget support operations (especially political risk / assessment of fundamental values) - interviews with DEVCO/B1 and DEVCO/A4 (the latter for budget support; - list of training and technical assistance interventions on rights-based approach both at headquarters and in Delegations (source: DEVCO B1) <p>NEAR:</p> <ul style="list-style-type: none"> - NEAR A3/A4 (comitology and QSG for IPA) NEAR B and C for ENI-QSGs, DEU <p>FPI:</p> <p>FPI. 1, FPI.2 , FPI.4, FPI5 - EOMs (Comitology-documents, action fiches and QSG for PI)</p>	<ul style="list-style-type: none"> - Staff Working Document 2014/152 "A Rights-Based Approach, encompassing all human rights, for EU development cooperation" and its related Council Conclusions; - Capacity4dev EC/EEAS Group on RBA; - DEVCO COMPANION Annex F3 (Template assessment cross-cutting issues), section 'Rights-based approach' - EU Budget Support Guidelines 	<p>DCI ToR, section 5.2:</p> <p><i>"To what extent do DCI programmes contribute towards (...) consolidating and supporting democracy, rule of law and good governance, human rights and relevant principles of international law"</i></p>
	<ul style="list-style-type: none"> - To what extent has gender mainstreaming been included in the design of actions? To what effect (e.g 	DEVCO/B1	<p>DEVCO:</p> <ul style="list-style-type: none"> - Annual reports and their SWDs; 	<ul style="list-style-type: none"> - DEVCO Gender Action Plan II - In June 2010 the EU adopted the Action Plan on Gender Equality and Women's Empowerment in Development 2010-2015 as part of 	<p>DCI ToR, section 5.2:</p> <p><i>"To what</i></p>

	greater financial resources ? Improved gender-sensitive design of actions and implementation ?)	NEAR A3/A4	<ul style="list-style-type: none"> - EAMRs of Delegations, 1-Q2, 3-Q4, 4-Q1 and 7-Q1 - Sampling of QSG 'cross-cutting issues' documents for Action documents; - use of sex-disaggregated indicators in projects and programmes; - interviews with DEVCO/B1; <p>NEAR:</p> <ul style="list-style-type: none"> - NEAR/A3 and A4 (comitology and QSG for IPA) NEAR B and C for ENI-QSGs, DEU <p>FPI:</p> <ul style="list-style-type: none"> - FPI.1, FPI.2 (comitology-documents IcSP Article 4), FPI. 4 (comitology-documents and QSG for PI), FPI5 - EOM, DEVCO B5 (IcSP Article 5) 	<p>the Council Conclusions on the MDGs (see point 14 and the Annex);</p> <ul style="list-style-type: none"> - 1st report on the implementation of the Plan (2011) ; - 2nd report on the implementation of the Plan (2012); - Strategic evaluation of EU Support to Gender Equality and Women's Empowerment in Partner Countries; - Gender Action Plan II (2016-2020) and its related Council Conclusions - 1st report on the implementation of GAP II foreseen for April 2017; - DEVCO COMPANION Annex F3 (Template assessment cross-cutting issues), section 'Gender'; - Capacity4dev Public Group on Gender; 	<i>extent does the DCI mainstream EU policy priorities (e.g. gender...) and other issues highlighted for mainstreaming in the instrument, and, where relevant, deliver on the commitments including the financial allocations".</i>
-	To what extent have criteria regarding accessibility for persons with disabilities been taken into account in the design and implementation of programmes and projects and to what effect?	DEVCO/B3 NEAR A3/A4	<p>DEVCO:</p> <ul style="list-style-type: none"> - Annual reports and their SWDs; - Sampling of QSG 'cross-cutting issues' documents for Action documents; - interviews with DEVCO/B3; <p>NEAR:</p> <ul style="list-style-type: none"> - NEAR/A3 and A4 (comitology-documents and QSG for IPA) NEAR B and C for ENI-QSGs, DEU <p>FPI:</p> <ul style="list-style-type: none"> - FPI.1, FPI.2 (comitology-documents for IcSP Article 4) , FPI. 4 (comitology-documents and QSG for PI) 	<ul style="list-style-type: none"> - DEVCO COMPANION Annex F3 (Template assessment cross-cutting issues), section 'Rights-based approach' - Group and Theme on Capacity4Dev: http://capacity4dev.ec.europa.eu/disability-and-development-network/dashboard containing, amongst others, a presentation delivered at the DEVCO Seminar in February 2016, with the accessibility well explained with examples: http://capacity4dev.ec.europa.eu/disability-and-development-network/document/leave-no-one-behind-presentation-4 - DEVCO Internet page on Disability: https://ec.europa.eu/europeaid/sectors/human-development/social-inclusion/disability_en containing: <p><u>EU policy documents:</u></p> <ul style="list-style-type: none"> * Increasing the impact of EU Development Policy: an Agenda for Change COM/2011/0637 * Global Public Goods and Challenge (GPGC) Programme on Global Public Goods and Challenges 2014-2020 * European Disability Strategy 2010–2020 * Initial plan to implement the European Disability Strategy 2010– 	

				<p>2020.</p> <p><u>EU reference documents:</u></p> <ul style="list-style-type: none"> * Guidance note for EU staff (an updated version is in preparation) * Study of Disability in EC Development Cooperation European Commission (2010) * Staff working document SWD(2014) 182: Report on the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) by the European Union: Article 32. <p><u>External policy documents</u></p> <ul style="list-style-type: none"> * UN Convention on the Rights of Persons with Disabilities (link is external) * World Report on Disability, World Bank and World Health Organisation (2011) (link is external) * Community Based Rehabilitation Guidelines, WHO (2010) (link is external) * Make Development Inclusive Project resources/tools to mainstream disability (link is external) <p>- an informal network of Disability Contact Persons in EC Delegations was set up. Around 80 Delegations have appointed a Disability Contact Person among its staff.</p> <p>- Training are regularly organised, usually every year, for EU Institutions and Member States staff</p> <p>- PRAG, main body, item 2.3.6 ('Other essential points -Accessibility for disabled people') and items 4.3.2. & 5.3.2 ('Drafting and content of the tender dossier')</p> <p>- PRAG, Annex e3h6 ('draft Final Reports for Grants'), section 2.5 ('Explain how the Action has mainstreamed cross-cutting issues such as promotion of human rights (Including those of people with disabilities. For more information, see 'Guidance note on disability and development' at https://ec.europa.eu/europeaid/disability-inclusive-development-cooperation-guidance-note-eu-staff_en ');</p> <p>FPI: AAP 2014-2016</p> <p>Article 3, 4 and 5 of IcSP Regulation and Financial Decisions 2014-</p>	
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					2016	
e)		Promoting effective and efficient implementation methods:				
	-	Has the use of innovative instruments (loans, guarantees, blending, ...) increased (volume)? (i.e. articles 4(1)(e) and 4(3) CIR)? Did they create a leverage effect?	DEVCO/C3 NEAR/A4 R2/B3/D6	DEVCO: - interviews with DEVCO/C3 NEAR: - Interviews with NEAR/A4, R2, B3, and D6 FPI: - Interviews with FPI.1		
	-	Has there been an increase (volume) in use of more coordinated methods of working (ie division of labour) since CIR rules have been in place (i.e. article 4(9) CIR)?	DEVCO/A2 NEAR A4	DEVCO - Annual reports and their SWDs; - AAR and its Annex 11 (Performance Tables – see notably section Policy strategy and coordination) - EAMRs of Delegations, 4-Q1 - interviews with DEVCO/A2; NEAR: - interviews NEAR A4, NEAR B&C FPI: - Interviews with FPI.1		DCI ToR, section 5.2: "To what extent does the DCI promote principles of aid effectiveness, such as (...) joint programming"
f)		Promoting visibility:				
	-	What measures were taken to ensure EU visibility both in direct (ie managed by the Commission) and indirect management (ie managed by another agency, partner country or international organisation) further to the introduction of the CIR (i.e.	DEVCO/02 NEAR/A2	DEVCO: - EAMRs of Delegations, 3-Q5 and 4-Q1 - interviews with DEVCO/02 NEAR	Communication and Visibility Manual for EU External Actions https://myintracomm.ec.europa.eu/dg/devco/communication/visibility-communication-manual/Pages/communication-manual.aspx	

	article 4(5) CIR)?		<ul style="list-style-type: none"> - interviews with NEAR/A2 and DEU; - question in survey to Delegations <p>FPI:</p> <ul style="list-style-type: none"> - Interviews with FPI.1, FPI. 4 and FPI.5 		
3.	Regarding the instruments used in your Delegation/Unit: in which of the above areas could the CIR regulation be simplified? In what way? Provide any common feedback you have received from beneficiaries	NEAR R2/B3/D6	<p>Interviews at HQ and in field, and question in survey to Delegations</p> <p>NEAR: D6/B3/R2</p>		
4.	Regarding the instruments used in your Delegation/Unit. Does the scope of the CIR meet the current and future implementing needs of the Instrument? Provide any common feedback you have received from beneficiaries	NEAR R2/B3/D6	<p>Interviews at HQ and in field, and question in survey to Delegations</p> <p>NEAR: D6/B3/R2</p>		
5.	Regarding the instruments used in your Delegation/Unit Are there any unintended benefits/problems arising from the CIR?	NEAR R2/B3/D6	<p>Interviews at HQ and in field, and question in survey to Delegations</p> <p>NEAR: D6/B3/R2</p>		

Annex 7: Implementation Rules for External Financing Instruments (EFI) Working list of responses required from the Chapeau team

	Questions	Unit	Evidence-base chapeau team	Background
1	To what extent is a common rules and procedures Regulation needed for the EFIs? This question should be analysed from an internal point of view (EU Institutions)		DEVCO: - interviews with DEVCO/R3 NEAR: NEAR A4, NEAR R2 FPI: 1	
2.	In what ways do the rules of the CIR improve or hinder the delivery of the Instrument objectives in terms of:			
a)	Flexibility / Speed of delivery in the field of Comitology (i.e. articles 2 and 3 CIR on the obligation to consult MS Committees for (amendments to) action programmes or measures):		DEVCO: - Interviews with geo coordination units (for thematic instrument: any operational unit) - interviews with the Committee-secretariats at DEVCO/R5 NEAR: - interview geo coordination units, D6 and B3 and DEUs, as well as NEAR/A4 FPI: 1	- Commission-wide comitology register and background info: http://ec.europa.eu/transparency/regcomitology/index.cfm - DEVCO COMPANION, 7.1.3 to 7.1.5 https://myintracomm.ec.europa.eu/dg/devco/finance-contracts-legal/financing-contracting-guides/companion/Pages/index.aspx - DEVCO: For EDF, 2015 internal guidelines on EP EDF scrutiny - NEAR : IPA II Programming Guide ; ELARG Companion 2014 (chapter 3); ENI Programming Instructions;
	- Have the new thresholds established by the CIR to use one or another procedure of the comitology rules, led to faster implementation (i.e. article 2(3)(a and b) CIR)?		Idem	
	- To what extent are the CIR decision-making rules flexible enough to respond to changing needs, such as technical amendments to adopted decisions (i.e. article 2(3)(c) CIR)?		DEVCO: Idem NEAR: R2	DEVCO: For EDF Committee, see EDF Committee rules of procedure (with EDF Secretariat)

	- To what extent are the CIR decision-making rules flexible enough to timely respond to situations of urgency, crisis and emerging crisis (i.e. article 2(5) CIR)?		Idem	DEVCO: For EDF, see instruction note on use of reserves and B-envelope (DEVCO/D3)
	- To what extent are the CIR decision-making rules flexible enough to ease the transition from emergency aid to long-term development operations or to facilitate measures to better prepare people to deal with recurring crises (i.e. article 2(1)(3 rd paragraph) CIR)?		idem	
b)	Mid-Term Review and Evaluation:			
	- Were evaluations carried out on the basis of pre-defined, clear, transparent and where appropriate country-specific and measurable indicators? For such indicators, was there a harmonised approach taken across the Instruments?		Interviews with those responsible for M and E: DEVCO: - DEVCO/06; NEAR: - NEAR/A3; FPI: 1	Better Regulation Guidelines and Toolkit 2015 Evaluation Policy 2014
	- A specific question on the mid-term review of the Instruments itself?		Interviews: DEVCO: - DEVCO/06; NEAR: - NEAR/A4; FPI: 1	
c)	Annual reporting to European Parliament and Council: To what extent has the CIR improved the efficiency and effectiveness of reporting on the financial instruments it covers?		DEVCO: - interviews with DEVCO/02 (Milko van Gool and Caroline Fastre) - instruction notes for the Annual Report;	

				NEAR: - NEAR A2 FPI: 1	
3.		Which of the above areas could be simplified? In what way? Provide any common feedback you have received from beneficiaries		To be asked through survey to HQ Dels/units and subsequent replies analysed by chapeau-team	
4.		Are there any unintended benefits/problems arising from the way the above topics are addressed in the CIR?		To be asked through survey to HQ Dels/units and subsequent replies analysed by chapeau-team	