

Annex 4: Eligibility of UK NGOs for EU Funding¹

Overall eligibility as per EU guidance

Participation in procedures for the awarding of contracts or grants is open to international organisations and to all natural persons who are nationals of, and legal persons which are effectively established in:

- a Member State of the European Union;
- a Member State of the European Economic Area;
- a beneficiary of the Instrument for Pre-Accession Assistance II,
- overseas countries and territories covered by Council Decision 2001/822/EC, as amended
- Developing countries and territories as included in the OECD-DAC list of ODA recipients, which are not members of the G-20 group;
- Developing countries, as included in the OECD-DAC list of ODA recipients, which are members of the G20 group, and any other countries and territories, when they are beneficiaries of the action financed by the Union under the Instruments concerned;
- another third country, based on a European Commission decision establishing reciprocal access to external aid.
- OECD members in case of activities implemented in the Least Developed Countries (LDC) and in Heavily Indebted Poor Countries (HIPC). This applies for the entirety of regional or global programmes which include at least one LDC or HIPC.²

¹ This table was initially put together by Jenny O'Brien, Oxfam, and completed by the Bond Brexit Funding Research Team.

² <http://ec.europa.eu/europeaid/prag/document.do?nodeNumber=2.3.1>

Brexit research on current situation

| Budget Line | Rule | Situation in Current Calls updated to December 2016 |
|-------------|---|--|
| DCI | <ul style="list-style-type: none"> • EU³ • EEA • Non-EU OECD for LDCs and Highly Indebted Poor Countries (HIPCs⁴) only | <p><u>Thematic</u></p> <ul style="list-style-type: none"> - CSO-LA: Of 30 local calls checked, 18 followed DCI rule but 9 restricted funding to EU (in line with practice under previous DCI). DEAR call – only EU - GPGC: Global call respected DCI rule - Pan Africa: EU/ African countries <p><u>Geographical (DCI)</u></p> <p>Asia & Central Asia: Of 11 calls checked, 10 follows DCI rule, but 1 restricted funding to EU.</p> <p>Latin America: Of 6 calls checked, all follow DCI rule.</p> |
| ENI | <ul style="list-style-type: none"> • EU • EEA <p>(No LDCs/ HIPCs in ENI region)</p> | <p>Of 8 calls checked: 3 restricted to EU and beneficiary state(s); 4 follow ENI rule; 1 restricted to the beneficiary country.</p> |
| EIDHR | No restrictions of nationality | <p>2015 global call – no restrictions</p> <p>Of 15 local calls checked, only 11 followed CIR rule and the other 4 imposed restrictions</p> |
| IcSP | No restrictions of nationality | No calls on DEVCO website |
| EDF | <ul style="list-style-type: none"> • EU • EEA | Of 4 in-country calls checked, 3 followed EDF rule |

³ Eligibility for all funding instruments is wider than shown in the table. Only eligibility categories relevant to UK NGOs are included.

⁴ HIPCs that are not also LDCs are: Bolivia, Cameroon, Republic of Congo, Ghana, Honduras, Ivory Coast and Nicaragua.

| | | |
|------|--|--|
| | <ul style="list-style-type: none"> • Non-EU OECD for LDCs and Highly Indebted Poor Countries (HIPC) only | |
| ECHO | <ul style="list-style-type: none"> • EU • EEA • Recognised in an EU Member State through Council of Europe Convention Article No. 124 • Main HQ in EU MS or third country in receipt of EU Aid | A Swiss organisation has successfully been awarded an FPA on the basis of Article 124. |

Commentary

Sources

The information in the attached table is taken from Annex A2a to the 2016 PRAG – *Eligibility programmes 2014-2020*. This annex draws together and summarises the rules laid out in the legal bases:

- *For EU budget* – Common Implementing Regulation of 11 March 2014, Articles 9 and 11
- *For EDF* – Annex IV of the Cotonou Agreement as revised on 20 June 2014
- *For ECHO* – FAQs on eligibility for FPAs

Restrictions of Eligibility

Brussels and the Delegations are allowed to restrict eligibility if they consider that the objectives or specific nature of projects require this (CIR, Article 8.7). So, I thought it would be useful to look at the extent to which eligibility had been restricted in current and recent calls and I have added a column to the table to capture what I found. The situation is clearly very mixed.

Updated analysis of calls January and February 2017

| <u>Title of call for proposals</u> | <u>Instrument</u> | <u>Eligibility of international</u> | <u>Date of call</u> |
|--|-------------------|---|---------------------|
| European Instrument for Democracy and Human Rights (EIDHR) Country-based Support Scheme KENYA | EIDHR | Any country | 16/01/17 |
| Support to Civil Society in Zimbabwe Promoting democratic participation, good governance and accountability | EDF | EU country or any country contributing to the EDF | 24/02/17 |
| Child Rights Ghana | EIDHR | Any country | 24/02/17 |
| Enhancing CSOs' contribution to governance and development processes in Mongolia | NSA/LA | EU or EAA | 23/02/17 |
| EIDHR Country Based Support Scheme (Lot 1) and the Civil Society Organizations and Local Authorities Thematic Programme(Lot 2) | | | |
| Bangladesh | EIDHR (Lot 1) | EU or EAA for both | 23/02/17 |
| Instrumento de la Unión Europea en pro ICsP | | EU | 22/02/17 |
| Building Resilience: Education Opportur IIP (GPG) | | EU/EAA/OECD | 20/02/17 |
| Enhancing civil society organisations' ar NSA/LA | | EU | 15/02/17 |
| European Instrument for Democracy an | EIDHR | Any country | 25/01/17 |
| SWITCH Green Africa | Environment | EU or EAA | 10/02/17 |
| Instrument Européen pour la Démocrat | EIDHR | Any Country | 10/02/17 |

Overview of current eligibility of UK – Access to EU funding from EC Directorates for domestic projects and programmes⁵

The following table provides an overview of the current eligibility of organisations based in the EU in accessing funding for domestic (in country) projects. To date the EU have indicated that bids submitted where the call includes the UK to DG Sante, Rights Equality & Citizenship (REC) and Asylum, Migration and Integration Fund (AMIF) will be accepted. However, as there is no precedent for Brexit the future is uncertain but many of the directorates and funding streams do allow for countries who are not members of the EU i.e. European Economic Area members (EEA) to access funding. Dependent on the terms of the exit for Britain they may remain eligible for some of these funds.

| Fund/Programme | Eligibility rules | Comments |
|---|--|--|
| DG Health and Food Safety EU Health Programme Project grants | EU member states plus EEA members | Only applications from entities established in one the following countries are eligible: EU Member States; Iceland, Norway, Serbia; Countries which have a bilateral agreement with the European Union in accordance with Article 6 of Regulation (EU) No 282/2014 on the establishment of a third Health Programme for the Union's action in the field of health (2014-2020). Funding for Transnational projects, conferences, joint actions, studies, networking, direct agreements, operating grants, procurement |
| DG Communication Europe for Citizens (citizens, remembrance) (transnational CSO initiatives) | EU member states plus EFTA countries, Accession, candidate and potential | EU countries; EFTA countries; Accession, candidate and potential candidate countries The programme offers financial support to projects in two separate areas: Democratic engagement and civic participation (e.g., Town twinning, Networks of towns, Civil society projects) European remembrance - the EU as a peace project |

⁵ This information was collated by the British Red Cross in September 2016

| | | |
|---|---|---|
| | candidate countries | |
| LIFE - Environment, Climate Change, | EU member states plus EEA and non EU countries | LIFE Programme may finance activities outside the Union and in overseas countries and territories (OCTs) in accordance with Decision 2001/822/EC (the Overseas Association Decision), provided those activities are necessary to achieve Union environmental and climate objectives and to ensure the effectiveness of interventions carried out in Member State territories to which the Treaties apply. |
| Intereg - Cross Border programmes - France Channel England Programme / 2 seas programme - Sustainable North Sea Region - Northern and Arctic Periphery | EU member states plus EEA Members | Includes Non-EU countries within their Eligible Areas where these are relevant to the geographical area (e.g. areas of Canada, Greenland) France Channel England Programme – possible that this could be funded by both countries post Brexit. |
| DG Justice - REC Programme: a) EU Citizenship b) Daphne c) Non-discrimination Roma | EU member states plus some EEA countries | EU member states, Iceland, Liechtenstein eligible. |
| DG Justice - Justice Programme | EU member states, except for countries which have excluded themselves | UK (and Denmark) had already excluded themselves, as do not contribute funding. |

| | | |
|---|---|---|
| <p>DG Home Affairs – Asylum, Migration and Integration fund (AMIF)</p> | <p>EU member states except Denmark</p> | <p>Only for EU members. All EU States except Denmark participate in the implementation of this Fund. Examples of beneficiaries of the programmes implemented under this Fund can be state and federal authorities, local public bodies, non-governmental organisations, humanitarian organisations, private and public law companies and education and research</p> |
| <p>DG Education and Culture - Erasmus Plus (Youth, Exchanges, EVS)</p> | <p>EU member states plus EEA and other named non-EU countries</p> | <p>Former Yugoslav Republic of Macedonia, Iceland, Liechtenstein, Norway and Turkey can fully take part in all the actions of the programme.</p> <p>EU Neighbouring countries (Balkans, Eastern partnership, Russian Federation, South Mediterranean), Latin America, ACP can also take part as partners countries in some actions</p> |
| <p>DG Employment, Social Affairs and Inclusion (EMPL)</p> <p>EaSI - EU Programme for Employment & Social Innovation</p> <p>Fund for European Aid for most Deprived (FEAD)</p> | <p>EU member states plus EEA</p> | <p>Often lead applicant/coordinator must be a local authority or similar institutions; CSOs mostly only eligible as co-applicants</p> |
| <p>DG Regio</p> <p>Urban Innovation Actions (UIA)</p> <p>European Social Fund (ESF)</p> | <p>EU member states</p> | <p>Often lead applicant/coordinator must be a local authority or similar institutions; CSOs mostly only eligible as co-applicants</p> |

| | | |
|--|--|--|
| European Regional Development Fund (ERDF) | | |
| DG Research and Innovation Horizon2020 Funding Programmes | EU member states plus EEA and other named non-EU countries | Most countries in the world can be involved as partners/co-applicants, with justification. Needs significant European involvement, however. Only EU Member State can lead an application. |