

TITLE IV

IMPLEMENTATION

Article 22

Adoption of annual action programmes

1. The Commission shall adopt annual action programmes based on the strategy papers and multiannual indicative programmes referred to in Articles 19 and 20.

Exceptionally, for instance where an action programme has not yet been adopted, the Commission may, on the basis of the strategy papers and multiannual indicative programmes referred to in Articles 19 and 20, adopt measures not provided for in an annual action programme under the same rules and procedures as for action programmes.

2. Annual action programmes shall specify the objectives pursued, the fields of intervention, the expected results, the management procedures and total amount of financing planned. They shall contain a description of the operations to be financed, an indication of the amounts allocated for each operation and an indicative implementation timetable. Objectives shall be measurable and have time bound benchmarks.

3. The annual action programmes shall be adopted by the Commission in accordance with the procedure referred to in Article 35(2).

4. Appropriate environmental screening shall be undertaken at project level including environmental impact assessment (EIA) for environmentally sensitive projects, in particular for major new infrastructure. Where relevant, strategic environmental assessments (SEA) shall be used in the implementation of sectoral programmes. The involvement of interested stakeholders in environmental assessments and public access to the results shall be ensured.

Article 23

Adoption of special measures not provided for in the strategy papers or multiannual indicative programmes

1. In the event of unforeseen and duly justified needs or circumstances related to natural disasters, civil strife or crises, and which cannot be funded under Regulation (EC) No 1717/2006 or Regulation (EC) No 1257/96, the Commission shall adopt special measures not provided for in the strategy papers or multiannual indicative programmes (hereinafter referred to as 'special measures').

Special measures may also be used to fund measures to ease the transition from emergency aid to long-term development opera-

tions, including those to better prepare people to deal with recurring crises.

2. Special measures shall specify the objectives pursued, the intervention areas, 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 exceeds EUR 10 million, the Commission shall adopt them under the management procedure referred to in Article 35(2). For special measures below EUR 10 million, the Commission shall send the measures to the Member States and the European Parliament for information within one month of adopting its decision.

4. The procedure referred to in Article 35(2) need not be used for amendments to special measures, such as those making technical adjustments, extending the implementation period, reassigning funds within the forecast budget, or increasing or reducing the size of the budget by less than 20 % of the initial budget, provided these amendments do not affect the initial objectives set out in the Commission decision. Any such technical adjustments shall be communicated within one month to the European Parliament and to the Member States.

Article 24

Eligibility

1. Without prejudice to Article 31, the following, *inter alia*, shall be eligible for funding under this Regulation for the purposes of implementing the annual action programmes referred to in Article 22 or the special measures referred to in Article 23:

- (a) partner countries and regions, and their institutions;
- (b) decentralised bodies in the partner countries, such as municipalities, provinces, departments and regions;
- (c) joint bodies set up by the partner countries and regions with the Community;
- (d) international organisations, including regional organisations, UN bodies, departments and missions, international and regional financial institutions and development banks, in so far as they contribute to the objectives of this Regulation;
- (e) Community institutions and bodies, but only for the purposes of implementing the support measures referred to in Article 26;
- (f) EU agencies;

(g) the following entities and bodies of the Member States, partner countries and regions and any other third country complying with the rules on access to the Community's external assistance set out in Article 31, insofar as they help to achieve the objectives of this Regulation:

- (i) public or para-Statal bodies, local authorities and consortia or representative associations thereof;
- (ii) companies, firms and other private organisations and businesses;
- (iii) financial institutions that grant, promote and finance private investment in partner countries and regions;
- (iv) non-State actors as defined in paragraph 2;
- (v) natural persons.

2. The non-State, non-profit making actors eligible for financial support under this Regulation operating on an independent and accountable basis include: non governmental organisations, organisations representing indigenous peoples, organisations representing national and/or ethnic minorities, local traders' associations and citizens' groups, cooperatives, trade unions, organisations representing economic and social interests, organisations fighting corruption and fraud and promoting good governance, civil rights organisations and organisations combating discrimination, local organisations (including networks) involved in decentralised regional cooperation and integration, consumer organisations, women's and youth organisations, teaching, cultural, research and scientific organisations, universities, churches and religious associations and communities, the media and any non governmental associations and independent foundations, including independent political foundations, likely to contribute to the implementation of the objectives of this Regulation.

Article 25

Types of financing

1. Community financing may take the following forms:

- (a) projects and programmes;
- (b) budget support if the partner country's management of public spending is sufficiently transparent, reliable and effective, and where it has put in place properly formulated sectoral or macroeconomic policies positively assessed by its principal donors; including, where relevant, the international financial institutions. The Commission shall consistently use an approach based on results and performance indicators and shall clearly define and monitor its conditionality and support efforts of partner countries to

develop parliamentary control and audit capacities and to increase transparency and public access to information. Disbursement of budgetary support shall be conditional on satisfactory progress towards achieving the objectives in terms of impact and results;

- (c) sectoral support;
- (d) in exceptional cases, sectoral and general import programmes, which may take the form of:
 - (i) sectoral import programmes in kind;
 - (ii) sectoral import programmes providing foreign exchange to finance imports for the sector in question; or
 - (iii) general import programmes providing foreign exchange to finance general imports of a wide range of products;
- (e) funds made available to the EIB or other financial intermediaries on the basis of Commission programmes for the purpose of providing loans (in particular to support investment in and development of the private sector), risk capital (in the form of subordinated or conditional loans) or other temporary minority holdings in business capital, and contributions to guarantee funds in accordance with Article 32, to the extent that the financial risk of the Community is limited to these funds;
- (f) interest-rate subsidies, especially for environment related loans;
- (g) debt-relief, under internationally agreed debt relief programmes;
- (h) grants to finance projects submitted by entities of the type listed in Article 24(1)(b), (c), (d), (f) and (g)(i) to (v);
- (i) grants to finance the operating costs of entities of the type listed in Article 24(1)(b), (c), (d), (f) and (g)(i), (iii) and (iv);
- (j) funding for twinning programmes between public institutions, local authorities, national public bodies or private-law entities entrusted with public service tasks of a Member State and those of a partner country or region;
- (k) contributions to international funds, such as those managed by international or regional organisations;
- (l) contributions to national funds set up by partner countries and regions to attract joint financing from a number of donors, or contributions to funds set up by one or more donors for the purpose of the joint implementation of projects;