



REPLIES OF THE EUROPEAN COMMISSION

TO THE EUROPEAN COURT OF AUDITORS' SPECIAL REPORT

The EU trust fund for Africa

Despite new approaches, support remained unfocused

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This document presents the replies of the European Commission to observations of a Special Report of the European Court of Auditors, in line with Article 259 of the [Financial Regulation](#) and to be published together with the Special Report.

I. THE COMMISSION REPLIES IN BRIEF

The Commission welcomes this Special Report by the European Court of Auditors (ECA).

The EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced people in Africa (EUTF) was an innovative instrument created to provide a coordinated response and promote dialogue on migration between EU, African countries, and international organisations. It proved to be a flexible instrument adapted to changing circumstances in volatile and fragile contexts. The EUTF was designed to address both urgent needs (the migration crisis of 2015) and more structural development needs at country level. The EUTF has also been a forward-looking instrument to enhance evidence-based analysis and research-based knowledge about the root causes of migration and forced displacement in Africa, providing the basis for future EU support on this thematic.

Respect and protection of human rights is a Treaty obligation and has been applied under the EUTF. In line with the contractual provisions, implementing partners are responsible for ensuring the respect and protection of human rights, notably in compliance with the do-no-harm principle. During implementation, the Commission also monitors respect of human rights through regular results-oriented monitoring (ROM) missions and specific country-based third-party monitoring.

The EUTF has already delivered a significant share of its planned outputs. It has put in place an innovative, detailed, and transparent monitoring and reporting system to aggregate the outputs in indicators to report on their performance and cumulative achievements of its actions. The Commission acknowledges there are trade-offs in the methods for collection and aggregation of data. However, monitoring and reporting on EUTF outputs remains very advanced and detailed.

Considering the situation of extreme fragility and volatility of the countries where the EUTF projects are implemented, the sustainability of the actions is highly dependent on their nature (humanitarian or development) and on many external factors. The ongoing priority of the Commission in the phasing out of the EUTF is to analyse the outcomes, the successes, and the sustainability of interventions, through on-going impact evaluations, studies and the final evaluation of the EUTF. Lessons learned of this instrument are being applied thoughtfully in present and future programming of the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE hereafter).

II. COMMISSION REPLIES TO MAIN OBSERVATIONS OF THE ECA

1. Evidence-based programme design and targeting

Keeping migration high on the (political) agenda

The EU Emergency Trust Fund for Africa was created at the height of the “migration crisis” of 2015, as an innovative instrument to provide a coordinated response between European Union, Member States, other donors, African partner countries and international organisations. This makes the EUTF a unique instrument with a high political significance to coordinate EU response and constructive dialogues with partner countries on migration related topics. In this context, the EUTF also contributed to move towards the historic political agreement on the Pact on Migration and Asylum and to equip the EU with strong legal and operational foundations to manage migration in a comprehensive and integrated way.

Flexibility in emergency and development contexts

The EUTF had the advantage of being a flexible¹ instrument, able to adapt to fast-changing scenarios at local and macro levels. This adaptability is key in fragile and volatile contexts and has allowed the EUTF to respond to unexpected crisis and the COVID-19 pandemic. The Commission has also used the EUTF in a limited number of countries where the European Development Fund could not be mobilised in view of the formal programming and implementing procedures applicable to the EDF and where speed and timing was of the essence.

The EUTF was designed to address both urgent needs, hence its emergency nature in the context of the migration crisis of 2015, and the root causes of irregular migration and forced displacement². In this sense, the EUTF's overarching mission ranged from short-term humanitarian assistance to long-term development and contributed to breaking new ground on linking relief, rehabilitation, and development. It is critical to address migration as a global phenomenon not only through a crisis management response but also with sustainable development in the countries of origin. Only through long-term perspective can the drivers of migration be addressed sustainably, and emergency outbreaks be prevented.

Following the adoption of the EUTF Strategy in 2015, the EUTF board adopted priorities for each of the EUTF regions in 2018, providing an additional layer of political guidance to reflect evolving needs and challenges in the region. Moreover, each EUTF region equipped itself with a detailed region-specific operational framework to adapt EUTF response to emerging challenges related to irregular migration, security and stability in each region.

New approaches for collecting information, identifying needs, sharing knowledge and learning into NDICI-GE programming

EUTF programmes were developed following a bottom-up approach. The EU Delegations played a key role in identifying the needs, defining the geographical scope and designing the actions. Such needs-based analysis was carried out in a systematic manner through coordination between EU

¹ See ECA observations 15, 32 and 82.

² See article 2 of the EUTF's Constitutive Agreement.

Delegations and the Commission's headquarters, in constant dialogue with the partner countries and other key stakeholders such as international organisations and NGOs.

Since 2016, the Research and Evidence Facilities (REF) have played a key role in providing expert knowledge notably on migration and forced displacement issues and building capacities of research institutions in partner countries. While most of REF studies have been published towards the end of the designing period of EUTF programmes, these analyses were instrumental to guide the EUTF implementation phase³. Moreover, EUTF programmes have also been informed by a great number of complementary analysis and case studies, notably produced through the EUTF Monitoring and Learning Systems⁴.

These knowledge-based studies and the REFs are recognised as successful initiatives that will be continued under NDICI-GE through a new action for “Data and Research on Migration and Forced Displacement in Sub-Saharan Africa”, adopted in 2023. These studies were used, and continue to be used, to design programmes under the new NDICI-GE Instrument⁵ and are progressively made available on the EUTF website library [Library - European Union \(europa.eu\)](https://library-europa.eu)⁶ to facilitate and nurture evidence-based programming of future EU actions.

2. Addressing human-rights risks

Respect of human rights is a Treaty obligation that covers all EU funding instruments. This also applies to the EUTF. Respect of human rights is considered in each phase of the project cycle, i.e., programming, identification, formulation, implementation, and evaluation, and included in all action documents as a cross-cutting issue.

In 2014, based on the new EU consensus for development, and following Council conclusions on “A rights-based approach to development cooperation, encompassing all human rights⁷”, the Commission adopted its first document on applying a rights-based approach to development cooperation⁸. In 2021, the Commission adopted a strengthened version of its human rights based approach toolbox⁹, which provides comprehensive practical guidance throughout the project cycle.

In the contracts with implementing partners specific attention is given to the respect of human rights. Implementing partners are responsible for ensuring the respect and protection of human rights. The contractual clauses entitle the Commission to suspend or terminate any contract if it has evidence that, or needs to verify whether, the beneficiary has breached any of its obligations. The Commission examines specific reported incidents on a case-by-case basis through an individual assessment of necessity and proportionality, based on substantiated evidence. However, the Commission recognises that this procedure should be further strengthened and formally documented as recommended by ECA.

During implementation, the Commission also monitors respect of human rights. This includes deploying regular results-oriented monitoring (ROM) missions, which need to report on respect of the do-no-harm principle.

³ See ECA observation 37.

⁴ See ECA observation 29.

⁵ See ECA observation 84.

⁶ See ECA observation 37.

⁷ See [Council conclusions on a rights-based approach to development cooperation, encompassing all human rights](#) of 19 May 2014.

⁸ A rights-based approach, encompassing all human rights for EU development cooperation, SWD(2014) 152 final.

⁹ Applying the Human Rights Based Approach to international partnerships, SWD(2021) 179 final.

For the North of Africa window of the EUTF, which operates in a volatile environment that poses considerable challenges to project monitoring¹⁰, conflict sensitivity and the respect of the do-no-harm principle are monitored during the implementation of actions. In Libya, this is done through a third-party monitoring (TPM) system that has been in place since 2020 for the EUTF and has been extended to cover NDICI-GE programmes from 2023. The Commission further develops third-party monitoring mechanisms, which are complex and sensitive endeavour to set up, to strengthen their efficiency and to adapt them to evolving situations on the ground. This includes exploring options to expand appropriate monitoring mechanism to other countries in the region.

The Commission recalls that, in Libya, it operates in a fast evolving political and security context where suspending EU assistance is unlikely to improve the situation. Given the challenges on the ground, the Commission decided to follow a comprehensive approach to progressively develop a rights-based migration management system also linking relief, rehabilitation, and development interventions to build cohesion and resilience. Our cooperation is aimed at saving lives at sea, alleviating the suffering of migrants and refugees and breaking business models of smugglers' networks while responding to emergency protection needs, including supporting lifesaving actions under the principle of humanitarian imperative. In parallel, the Commission is continuing its actions in the field of protection working closely with Member States and international partners operating in Libya. In the context of the EU cooperation in Libya, any situation such as the one described in observation 58 of the special report, requires a careful assessment of the do no harm principle.

3. Monitoring and reporting

The EUTF delivered a significant share of its planned outputs and developed new approaches for (i) collecting information on the root causes of instability, irregular migration and displacements, and (ii) reporting on the cumulative achievements of its actions.

The EUTF monitoring system relies on (i) implementing partners, (ii) the EU Delegations and (iii) other complementary tools such as result oriented monitoring reports (external and impartial assessments aimed at enhancing results-based management) and third-party monitoring. The challenges faced by programme managers to carry out regular field visits were mainly related to security issues and the COVID-19 pandemic. Although these limitations affected the frequency of monitoring by operational managers, risks were mitigated by reinforcing the use of external ROM assessors and third-party monitoring.

In 2017, the EUTF put in place an innovative and transparent monitoring and reporting system to aggregate projects' outputs into a range of common output indicators (38 for the Sahel and Lac Chad and the Horn of Africa windows and 36 in the North of Africa). This monitoring and reporting system collected data and ensured alignment and aggregation of outputs coming from all relevant EUTF projects (933). The methodology used to measure each common outputs indicator was explained in detailed methodological notes¹¹ and EUTF aggregated output results were shared annually with implementing partners and EUTF governance bodies.

The Commission acknowledges there are trade-offs in the methodology used to collect and aggregate data¹². These shortcomings are directly related to the all-encompassing nature of common indicators used to measure the performance of a wide range of sectors and contexts, but also to the difficulties for monitoring teams to obtain accurate or transparent data from implementing partners. When necessary, corrections were made to the reported output data and published in the subsequent

¹⁰ See ECA observation 87.

¹¹ Available here [Monitoring and Learning - European Union \(europa.eu\)](https://european-union.europa.eu)

¹² See ECA observation 63 and ECA conclusion 90.

monitoring report.¹³ Moreover, monitoring and reporting on EUTF outputs was advanced and detailed, which is therefore an important innovation to be acknowledged.

As per the Better Regulation guidelines: “a well-designed monitoring system should be governed by the following principles: comprehensiveness, proportionality, minimal overlap, timeliness and accessibility”. The Commission believes that the monitoring and reporting system put in place follows these principles¹⁴ to the extent possible considering that (i) the monitoring system was initiated after the inception of the EUTF, (ii) the EUTF operates in volatile and fragile contexts, (iii) the impossibility to include outcome-level common indicators for methodological reasons, and value-for-money criteria.

Assessing EUTF outcomes and impacts is a current priority which will be addressed by several studies or evaluations either on-going or already planned. The EUTF has already invested in several impact evaluations using innovative counterfactual methods, but these complex analyses can only be finalised and published after the end of the project (e.g., the impact study of the EUTF flagship European Union-International Organisation for Migration Joint Initiative has been recently published¹⁵).

The Commission also started to report on EUTF outcomes as of 2021¹⁶ since it was necessary to have first a critical mass of different projects operating in the same sector to be able to provide a global picture. Since 2021, the annual reports of the monitoring and learning system also included a section on “outcome analyses”. In addition, the Commission is currently exploring options to develop specific migration indicators covering the full range of actions implemented under the NDICI-GE, including border management activities in Libya for which the impact could be measured by monitoring the number of arrivals in Italy for instance.

The European Union takes into account the Official Development Assistance (ODA) eligibility of individual EUTF projects to calculate the ODA percentage of contributions to EUTF reported to the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD)¹⁷. The Commission has used the notional approach to allocate non-ODA eligible activities to contributions that are not bound by ODA obligations.

4. Sustainability of EUTF-funded interventions

The sustainability of the actions funded by the EUTF is highly dependent on many external factors beyond the Commission’s control, including the stability and fragility of recipient countries, the evolution of the security context on the ground as well as the commitment and the capacities of host authorities to continue projects after the end of the EUTF support¹⁸. The follow up or takeover of project activities has been limited in certain cases due to high levels of instability, volatility of partner government, turnover of government staff, and weak private sector capacities.

The Commission would also like to highlight that the sustainability of EUTF actions is very much linked to their nature. Some actions were designed to swiftly respond to a critical situation with a rapid-reaction relief approach. For these actions where responses were oriented to provide humanitarian protection for instance, sustainability was not the main priority. For more structural

¹³ See ECA observations 63 and 75.

¹⁴ See ECA observation 64.

¹⁵ Available here [IMPACT Study | IOM Regional Office for East and Horn of Africa](#)

¹⁶ See ECA observation 67.

¹⁷ See ECA observations 13 and 40.

¹⁸ See ECA observation 72.

development actions (as building resilience and creating employment opportunities) sustainability concerns are being addressed.

The Commission will also further analyse the success and the sustainability of EUTF interventions, and will draw lessons learned, through on-going impact evaluations, studies and the final evaluation of the EUTF. The impact evaluation conducted on strategic objective 1 ('Greater economic and employment opportunities')¹⁹ is looking into the achievements in terms of employment promotion and it will feed future theories of change and EU programming.

III. COMMISSION TO THE RECOMMENDATIONS OF THE ECA

Recommendation 1: Increased evidence-based targeting of geographical areas and beneficiaries

To prioritise and focus its future support for the prevention and management of irregular migration, the Commission should target the most relevant geographical areas and needs by using migration-specific data and research-based information.

(Target implementation date: End 2025)

The Commission **accepts** this recommendation.

The Commission considers that prioritisation of geographical areas is based on relevant statistics from Eurostat and from international organisations' data, including, inter alia: (i) the number of irregular arrivals to the EU, (ii) the number of return orders and the relative return rate, (iii) the asylum recognition rate, etc. This has been reflected in the programming, since specific results on migration are foreseen in the relevant multiannual indicative programmes. The NDICI-GE regulation also foresees a "flexible incitative approach"²⁰, which entails that the above-mentioned evidence is discussed politically at the Council, in view of building migration partnerships with prioritised third countries. In this regard, a limited number of countries is subject to action plans and action fiches adopted by the Council's relevant working groups. Furthermore, the Commission is exploring options to improve training on the programming and design phase to the relevant services (including EU delegations) and to develop further specific indicators related to migration.

Recommendation 2: Include EUTF documents in a central repository to inform future action and expand lessons learned for action documents

With a view to its future development action, including through the Neighbourhood, Development and International Cooperation Instrument – Global Europe, the Commission should include the lessons learned from EUTF projects in a central repository and expand the lessons learned section of action documents by mentioning the documents consulted and listing the pitfalls or best practice observed in the country and elsewhere for similar activities.

¹⁹ Planned to be published early 2025.

²⁰ See article 8.10 of the NDICI-GE Regulation.

(Target implementation date: End 2026)

The Commission **accepts** this recommendation.

The Commission considers that relevant documentation is already available in the library section of the EUTF website (such as study cases and lessons learned) which is a central repository. Further documents and lessons learned will be included and lodged. Furthermore, the Commission will explore possibilities to (i) expand the accessibility of the EUTF website beyond the end of the EUTF (mid 2027), (ii) improve the search functionalities, and (iii) expand the lessons learned section of the action documents in line with this recommendation. Nevertheless, the Commission highlights that some reports are confidential, hence not all lessons learned can be made public.

Recommendation 3: Strengthen the identification of human rights risks and take mitigation action

To enhance respect for the do-no-harm principle in decision-making on any future development action, the Commission should:

- (a) systematically assess the specific level of risk to human rights in the design and formulation phase, and translate the proposed mitigating measures into specific activities or outputs indicators where a project presents significant human rights risks;**

(Target implementation date: End 2025)

The Commission **accepts** this recommendation.

The Commission already has robust procedures to systematically assess risk levels when designing and formulating actions, including through the human rights-based approach methodology and internal checklists, which are part of its quality review processes. Risk assessments are already included in the templates for action documents. However, the Commission acknowledges that there is a need to further reinforce its capacity to identify and mitigate risks, including by defining specific activities or output indicators in high risks sectors for human rights. This will be addressed by providing more detailed sectoral guidance material and training.

- (b) draw up and circulate clarified internal procedures for reporting and following up human rights allegations in the context of EU-funded projects;**

(Target implementation date: End 2025)

The Commission **accepts** this recommendation.

The Commission will document the procedure for reporting and following-up allegations regarding human rights violations in the context of EU-funded projects and distribute it to all relevant services.

- (c) analyse information related to human rights risks whether obtained through third-party monitoring of human rights or other means such as allegations; identify the entity responsible for making such analyses; maintain a record of all actions taken in response and the reasons for deciding to continue or suspend EU support.**

(Target implementation date: End 2025)

The Commission **accepts** this recommendation.

The Commission already analyses the information related to human rights risks and will further clarify and document the procedures for recording such information.

Recommendation 4: Improve the accuracy of reported achievements

To improve the accuracy of reporting on the achievements, the Commission should:

- (a) explore ways to ensure project implementers share more detailed information on the underlying data used for reporting on indicators including lists of equipment, information on final beneficiaries, location, amount of support of any future development action;**

(Target implementation date: End 2025)

The Commission **accepts** this recommendation.

The Commission accepts the recommendation, within the limits, however, of the applicable legal framework, including partner-specific arrangements and relevant applicable data protection rules. The Commission will thus explore ways to receive narrative information on other types of underlying data used for reporting on indicators from implementing partners, where relevant, including lists of equipment, anonymized information on final beneficiaries, location and amount of support.

- (b) for any future development action, include checks on the accuracy and sustainability of the reported results deriving from the aggregated NDICI indicators in its results-oriented monitoring or project evaluations;**

(Target implementation date: End 2025)

The Commission **accepts** this recommendation.

- (c) identify the EUTF projects at risk of having been incorrectly assessed as fully ODA eligible and where necessary correct the ODA reporting to the OECD.**

(Target implementation date: End 2025)

The Commission **accepts** this recommendation.