



Council of the European Union  
General Secretariat

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**WK 11653/2020 INIT**

**LIMITE**

**FIN  
POLGEN  
CODEC  
ACP  
COEST**

**MAMA  
DEVGEN  
COLAC  
COAFR  
COASI  
CORLX**

**COHOM  
ECOFIN  
ASIM  
MIGR  
ATO  
PE**

### WORKING PAPER

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### **INFORMATION**

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From:	General Secretariat of the Council
To:	Ad Hoc Working Party on the MFF Neighbourhood, Development and International Cooperation Instrument (AH WP - MFF NDICI)
Subject:	NDICI : Main Outstanding Issues

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Delegations will find attached a document on the above.

## **NDICI – Main Outstanding Issues**

Topic (elements)	COM proposal	EP position	CL position	Possible flexibility/ red line/ comments
<b>I. Governance</b>				
Delegated Acts (beyond programming, see below)	<p>Status quo:</p> <ul style="list-style-type: none"> <li>➤ changes to annexes II, III, IV</li> </ul> <p>EFSD+:</p> <ul style="list-style-type: none"> <li>➤ priority areas (Annex V)</li> <li>➤ provisioning rate EAG</li> <li>➤ governance (Annex VI)</li> </ul> <p>M+E:</p> <ul style="list-style-type: none"> <li>➤ establishment of framework</li> <li>➤ KPI (Annex VII)</li> </ul>	<p>all as by COM, plus:</p> <p>EFSD+:</p> <ul style="list-style-type: none"> <li>➤ Provisioning amount EAG</li> </ul> <p>And:</p> <ul style="list-style-type: none"> <li>➤ HR Operational Framework</li> <li>➤ Risk Management Framework</li> <li>➤ Needs not covered by programmes/progr docs</li> <li>➤ Performance-based approach</li> <li>➤ Extending scope to third countries</li> <li>➤ Suspension of assistance</li> </ul>	n/a	<p>EFSD+ (following October trilogue):</p> <ul style="list-style-type: none"> <li>➤ Modification (“by flexible procedure”) of provisioning amount EAG</li> </ul>
Programming Decisions	Implementing acts	Delegated acts	Implementing acts	

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Consultation mechanisms between EP, COM and CL	n/a	Art. 34 b(444 septies): consultations COM/EEAS with EP on “strategic orientations and guidelines before programming and major event” with obligation to take EP into account  Art. 38a (458bis): horizontal steering group of COM/EEAS with full involvement of EP	n/a	
Comitology	Art. 34 for implementing acts	Art. 34 deleted; Action plans = COM decisions	Art 34 for implementing acts	
Policy Framework (Art 7)	Includes relevant EP resolutions and communications	To include communications, EP resolutions and positions	No to COM communications and EP resolutions and positions  CL include CL deliberations	
Excluded Activities	n/a	Exclusion of activities related to a) HR violations b) Adverse effects on climate/ environment c) Development of nuclear energy d) Investments in companies linked to military/security New Art. 24 bis	Exclusion related to  a) n/a b) Adverse effect on climate/environment , see Art. 21.5, line 266 bis (fossil fuels) c) n/a d) n/a	

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Suspension Mechanism	n/a	<ul style="list-style-type: none"> <li>➤ Suspension mechanisms in case of violations of HR and nuclear safety standards</li> <li>➤ Delegated Act</li> </ul>	Suspension = part of implementation (Financial Regulation) and TEU	
<b>II. Migration</b>				
Spending Target Line 40	<ul style="list-style-type: none"> <li>• 10%</li> </ul>	<ul style="list-style-type: none"> <li>• Max. 10%</li> </ul>	<ul style="list-style-type: none"> <li>• At least 10%.</li> </ul>	
Definition of target Line 39, 40	<ul style="list-style-type: none"> <li>• root causes and migration management</li> </ul>	<ul style="list-style-type: none"> <li>• maximize migration impact on development</li> <li>• address root causes, in addition to migration management.</li> <li>• Spell out human development aspects</li> </ul>	<ul style="list-style-type: none"> <li>• focus on migration management and governance, root causes only when directly linked to challenge</li> </ul>	
Link to migration objectives/ "Conditionality" Lines 39, 40, 148	<ul style="list-style-type: none"> <li>• Need for effective cooperation of third parties with Union and application of necessary leverage</li> <li>• For further conditionality compliance with agreements as stated in Art.8.3</li> </ul>	<ul style="list-style-type: none"> <li>• No conditioning of allocation to cooperation on migration management, 148</li> </ul>	<ul style="list-style-type: none"> <li>• "flexible incitative approach"</li> </ul>	
"Facility" Lines 40, 148	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• Facility/ "coordinated mechanism"</li> </ul>	

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<b>III. Spending Targets</b>				
ODA Lines 25, 83	• 92%	• 95%	• 92%	
Climate	• 25%	• 30%	• At least 25%	
Environment	• n/a	• 15%	• n/a	
Gender G1/G2	• n/a	• 85%	• 85%	
Gender G2	• n/a	• Significant part of 85%	• 5% of 85%	
Human Development	• 20% of ODA incldg gender	• 20% of ODA	• 20% of ODA	
Legally binding nature	• Only ODA	• All legally binding	• Only ODA	
Election observation missions	• n/a	• up to 25% of the HRD thematic programme	• n/a	
<b>IV. Budget/ Amounts</b>				
Amounts with guidance from EUCO:	<ul style="list-style-type: none"> <li>• Geographic envelope: 76,2% with earmarking SSA/ Neighbourhood</li> <li>• Thematic: 7,8%</li> <li>• Rapid Response: 4,5%</li> <li>• Cushion: 11,4%</li> </ul>	<ul style="list-style-type: none"> <li>➤ Geographic envelope: 77,2% with earmarking SSA/ Neighbourhood</li> <li>➤ Thematic: 11,5%</li> <li>➤ Rapid Response: 3,8%</li> <li>➤ Cushion: 7,5%</li> </ul>	<ul style="list-style-type: none"> <li>➤ Geographic envelope: 76,0% and earmarking SSA/ Neighbourhood</li> <li>➤ Thematic: 8,0%</li> <li>➤ Rapid Response envelope: 4,0%</li> <li>➤ Cushion: 12,0%</li> </ul>	

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Other amounts/ sub-envelopes:	No earmarking	<ul style="list-style-type: none"> <li>Pacific: 0,8% within Asia</li> <li>Caribbean: 1,3% within Americas</li> </ul> <p>Thematic:</p> <ul style="list-style-type: none"> <li>HR/ Democracy: 2.1%</li> <li>CSO/ LA: 2,9% of which 2,4 for CSOs, 0,5 for Local authorities</li> <li>Global Challenges: 4,8% of which 0,5% for FPNP</li> </ul> <p>Rapid response: 3,8%</p> <ul style="list-style-type: none"> <li>Stabilisation: 2,1%</li> <li>Resilience: 1,6%</li> </ul>	<p>No earmarking</p> <p>HR/Democracy: 1,7% CSO: 1,7</p> <p>Global Challenges: 3,4%</p> <p>Rapid Response: 4,0%</p>	
<b>V. Other open questions</b>				
Local authorities	Part of geographic programming	Thematic programme together with CSO, lines 80, 99	Part of geographic programming, special mentioning several times	
Foreign policy needs and priorities	FPNP addressed in Rapid Response Pillar	Thematic programme for FPNP, line 101 bis, 81	FPNP addressed in Rapid Response Pillar, line 107	
Africa/ ACP	n/a	Reference to possible Panafrican and ACP programmes, l 94	n/a	
Promotion of Union led and international initiatives and priorities	Part of cushion, line 212	Part of cushion, line 212	Deleted reference from cushion	

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Supporting initiatives for the return of cultural property	n/a	Included in Annex III, line 174 quater	n/a	
Percentages/ pending MFF:	n/a	<ul style="list-style-type: none"> <li>• CBC</li> <li>• Amounts for EAG/ EIB</li> </ul>	<ul style="list-style-type: none"> <li>• CBC</li> <li>• Amounts for EAG/EIB</li> </ul>	
Cap for CBDSD	n/a	<ul style="list-style-type: none"> <li>• EUR 270 million cap for CBDSD, line 133bis</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	
Erasmus + (mobility, coop. and pol. dialogue)	n/a	<ul style="list-style-type: none"> <li>• indicative EUR 2 billion for mobility, coop. and pol. dialogue with partner counties, line 188</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	
Neighbourhood (Approach)	<i>“Performance-based”</i>	<i>“Performance-based”</i>	<i>„Incentive-based”</i>	
Neighbourhood (placement of detailed objectives)	<i>Annex II B.</i>	<i>Dedicated Article</i>	<i>Annex II B</i>	
Neighbourhood (Share for “More for More”)	<i>Indicatively 10%</i>	<i>At least 10%</i>	<i>Indicatively 10%</i>	