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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	16 December 2024
To:	Delegations
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Subject:	European Court of Auditors' Special Report No 17/2024 on 'The European Union Emergency Trust Fund for Africa: despite new approaches, support remained unfocused' - Council conclusions (16 December 2024)

Delegations will find in the annex the Council conclusions on the European Court of Auditors' Special Report No 17/2024 on 'The European Union Emergency Trust Fund for Africa: despite new approaches, support remained unfocused', as approved by the Council at its 4070th meeting held on 16 December 2024.

Council conclusions on the European Court of Auditors' Special Report No 17/2024 on 'The European Union Emergency Trust Fund for Africa: despite new approaches, support remained unfocused'

1. Recognising the interlinkages between migration and development, in 2015 the EU developed The European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF), an external assistance that promotes stability, supports partner countries to manage migration and forced displacement more effectively towards sustainable development and focuses on the prevention of and fight against irregular migration, migrant smuggling and trafficking in human beings. Following an early first audit (Special report 32/2018) the ECA has carried out a second one, where it assessed whether: 1) the Commission has implemented the four recommendations of the 2018 report; 2) the Commission has taken due account of human rights when providing support; and 3) whether the results of the EUTF for Africa were monitored effectively, reported accurately, and sustainable.
2. The Council welcomes the European Court of Auditors' Special Report No. 17/2024 on the EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF for Africa) which examines whether the EUTF had focused its support on achieving its aims of addressing the root causes of instability, irregular migration and forced displacements in Africa, with due account for human rights. The Council takes good note of the conclusions and recommendations therein. The Council furthermore takes note of the Commission's comprehensive replies attached to the Special Report and welcomes that the Commission has accepted all its recommendations.

3. The Council recalls that the EUTF for Africa was established to foster stability and contribute to better migration management as well as to support improvement in the overall migration governance by addressing the root causes of destabilisation, forced displacement and irregular migration – in particular by promoting resilience, economic and equal opportunities, security and development, and addressing human rights abuses. Launched in November 2015 at the Valletta Summit on Migration, the EUTF for Africa supports 27 countries across the following three regions: the Sahel and Lake Chad, the Horn of Africa, and the North of Africa.
4. The Council commends ongoing efforts to prevent irregular migration, including via comprehensive and strategic partnerships in dialogue with countries of origin and transit in Africa. While development cooperation already contributes to tackling the root causes of migration, the Council notes with concern that the Court found that EUTF for Africa support remained insufficiently focused by addressing a too wide range of development, humanitarian and security actions addressing specific needs, and the ECA concluded that the support provided was not always fully coherent with local contexts.
5. The Council further recognises that while the EUTF for Africa allowed for faster decision making on financing, contracting was slower but still within a reasonable timeframe. However, there were weaknesses regarding the accuracy and sustainability of reported results and human rights risks were not comprehensively addressed.
6. The Council welcomes the Court's conclusion that the EUTF for Africa has developed a new approach for collecting information about the root causes of instability, irregular migration and forced displacement. Overall, the Court found that EUTF projects have reported the delivery of many of their planned outputs and have partially achieved their objectives, despite the volatile and fragile contexts they operate in.

7. The European Court of Auditors' Special Report offers important observations about the strengths and weaknesses of the EUTF for Africa, as well as valuable recommendations not only for future instruments and processes, but also for instruments currently in force such as the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE). To this end, the Commission should: improve prioritisation; take into account lessons learned; ensure meaningful comparison of best practices; reinforce the capacity to identify, follow up and mitigate human rights risks; and improve the accuracy of reported achievements. The Council urges the Commission to take all these recommendations into account in future programming.
8. Taking into account the recommendations of the European Court of Auditors, the Council calls on the Commission to develop sustainable approaches towards more coherence between development and migration policy, including by addressing the root causes of irregular migration in a sustainable manner. Support should be given to technical and vocational education and training, with particular attention to the empowerment of women as agents of change for sustainable development. The European Union will continue to cooperate in a mutually beneficial way with countries of origin and transit by building comprehensive partnerships. These partnerships should focus on, among other elements, supporting migrants, refugees and host communities in regions of origin, in full compliance with international human rights law. Safe and legal pathways in line with national competences are key for regular and orderly migration.

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

9. The Council recognises the challenges that the EUTF for Africa has faced, while developing a new approach for collecting information about the root causes of instability, irregular migration and displacements, identifying human rights risks in a volatile environment and reporting on the cumulative achievements of its actions. At the same time the Council firmly believes that a reliable system of indicators is necessary to prioritise and to target needs, relevant beneficiaries and geographical areas, while taking into account the priorities of partner countries, as well as the strategic guidance provided by the Council. The Council welcomes that the Commission has accepted the relevant ECA recommendations and will improve training offers related to migration in the programming and design phase to relevant services, including EU Delegations.
10. The Council calls on the Commission to strengthen the targeting of funding allocated to migration issues, using clear criteria and precise indicators to ensure an appropriate and efficient allocation of funding dedicated to specifically identified migration challenges, based on evidence.
11. Recalling the cross-border dimension of migrations, the Council calls for integrated approaches along the migratory routes and enhanced cooperation with countries of origin, transit and destination, at every level, through mutually beneficial comprehensive partnerships.
12. The Council calls on the Commission to ensure coherence between development and migration policies. The Council recalls the flexible incitative approach foreseen in NDICI-Global Europe Regulation, and calls on the Commission to make full use of the provided flexibility and to pursue extensive dialogues on migration with third countries.

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

13. The Council urges the Commission to make use of the lessons learned from EUTF projects to apply them in present and future EU funded actions on migration and development and to reflect them in the lessons learned section of action documents in line with the recommendations of the ECA.
14. The Council calls the Commission to make use of research and evidence-based reports, most notably on migration, to sharpen the focus of future actions.

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

15. The Council notes with concern the findings of the ECA that, despite an innovative approach to identifying human rights risks in a difficult environment, the assessment of potential risks to human rights was not comprehensive, and that no formal procedure was in place to follow up systematically on allegations of human rights violations in the context of EUTF projects.
16. The Council emphasises the importance of the do-no-harm principle and agrees that enhancements are needed in future development actions. The Council calls upon the Commission to strengthen and formally document the reporting, monitoring and adequate follow-up of allegations of human rights violations in the context of EU-funded projects, as well as to apply it to ongoing and future EU funded actions on migration. It urges the Commission to further develop these efforts and to develop a robust procedure of follow-up actions.

Recommendation 4: Improve the accuracy of reported achievements

17. The Council stresses the importance of harmonised methodology among relevant Commission directorates general and services as well as accurate reporting on project implementation, while recognising the security and access issues that may hinder the onsite monitoring processes.

18. It also stresses the importance of accurate ODA reporting and calls on the Commission to conduct a review of the ODA eligibility of EUTF projects, to identify those projects at risk of having been incorrectly assessed as fully ODA eligible as soon as possible, and to correct the reporting to the OECD DAC if necessary.
 19. The Council agrees with the recommendation of the ECA regarding the need for better information sharing between implementing partners and the Commission, as well as the improvement of the quality of common indicators and of the reporting of data related to their implementation. The Council calls the Commission to ensure more information on underlying data used for indicators from project implementers, within the limits of the applicable legal framework and contractual provisions. The Council underlines that data in this context should be available to Member States on a permanent basis and on specific details whenever requested in accordance with applicable rules and regulations.
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