



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR EUROPEAN CIVIL PROTECTION AND HUMANITARIAN AID OPERATIONS (ECHO)

ECHO.D - General Affairs
The Director

Brussels, 21/12/2018
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Sent by e-mail only

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Solidar Suisse
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Director
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Dear Mr Felix Gnehm,

I am writing with regard to the Framework Partnership Agreement (FPA) you have concluded with the European Commission for the funding of humanitarian aid operations.

As you will know, the European Commission, represented by its Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO), administers Union-funded humanitarian aid operations on the basis of Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid (OJ L 163, 2.7.1996, p. 1).

Under Article 7(1) of that regulation, non-governmental organisations eligible for Union financing for the implementation of humanitarian aid operations must meet the following criteria:

- (a) be non-profit-making autonomous organisations in a Member State of the Union under the laws in force in that Member State;
- (b) have their main headquarters in a Member State of the Union or in the third countries in receipt of Union aid. This headquarters must be the effective decision-making centre for all operations financed under this Regulation. Exceptionally, the headquarters may be in a third donor country.

Your organisation was awarded a Framework Partnership Agreement (FPA) in the field of humanitarian aid on the basis of Convention No 124 of the Council of Europe on the recognition of the legal personality of international non-governmental organisations.

In the context of the preparation of the next FPA, the Commission has started an in-depth review of all relevant legal aspects thereof. In this context, based on a thorough legal assessment, the Commission has had to conclude that Convention No 124 no longer offers a suitable legal basis enabling DG ECHO to award funding to NGOs that have not

been directly constituted under the laws of a Member State of the European Union as Article 7(1)(a) of Regulation No 1257/96 would actually need to be understood. It should be added that the European Union has not itself ratified Convention No 124 and the latter does not purport to set out rules governing the eligibility of NGOs to receive financing from the European Union (the Convention only establishes basic rules concerning recognition of the legal personality and capacity of NGOs).

In light of the above, DG ECHO regrets to have to inform you that it will no longer be possible for organisations based in States outside the Union to be considered as eligible under Regulation No 1257/96 on account of arrangements made under Convention No 124; consequently, it will no longer be possible to award an FPA to such organisations.

While deeply regretting having to inform you of the above very close to the end of the 2014 Framework Partnership, DG ECHO would like to recall that your organisation will continue to be able to work with DG ECHO FPA Partners as Implementing Partners of the latter, as is already currently the case.

Please note that ongoing actions funded by DG ECHO remain unaffected.

We would like to thank you very much for your understanding and for the good cooperation, and we stand ready to discuss with you what possibilities there might be to continue our collaboration in humanitarian aid activities.

Please contact us at ECHO-APPEL@ec.europa.eu for any questions in relation to the above.

Yours sincerely,



Chiara GARIAZZO