

MEMORANDUM TO THE DCI COMMITTEE

CONCERNING THE

Annual Action Programme 2016 – part III - in favour of the Latin America Region to be financed from the general budget of the European Union

1. Identification

Budget heading	DCI ALA 21.020100
Total cost	EUR 101,960,000 of EU contribution
Legal basis	Regulation (EC) N° 233/2014 of the European Parliament and of the Council, of 11 March 2014, establishing a financing instrument for development cooperation for the period 2014-2020

2. Regional background

Latin America has changed and made progress in its development. Since 2002, 60 million people (out of a total population of 580 million) have been lifted out of poverty. There is now a historic opportunity for the continent to eradicate poverty, in particular extreme poverty, as well as to address key challenges which continue to hinder the continent's political and sustainable socio-economic development, and social cohesion.

EU development cooperation has been, alongside political engagement, trade and investment and sectoral dialogues, a crucial building block of relations. In this framework, a multiannual indicative programme for Latin America (LA) was adopted for the period 2014-2020.

The Regional programmes during 2014-2020 will address a series of priority areas requiring joint cooperation efforts and approaches between the EU and the partner countries in the region:

- The security-development nexus,
- Good governance, accountability and social equity,
- Inclusive and sustainable growth for human development,
- Environmental sustainability and climate change.

The Annual Action Programme 2016 will focus particularly on these priorities:

1. **The security-development nexus:** Crime rates are among the highest in the world. State institutions responsible for ensuring the key public goods of security, justice and rule of law are confronted in many countries with powerful and well-resourced organised crime interests (engaged in the drugs trade and other forms of trafficking), as well as high levels of regular crime. Porous borders are another serious issue. Insecurity in much of the region has important human, social and economic costs, and diminishes citizen trust in State institutions, thereby weakening the social contract which is essential for development to succeed.

2. **Inclusive and sustainable economic growth for human development:** Growth in Latin America has been heavily based on external demand for natural resources and commodities. A number of structural weaknesses may impede higher, more inclusive economic growth in the coming years. These include lack of diversification, weaknesses in access to innovation and regarding productivity, limited creation of decent jobs, bottlenecks as regards systems for skills and training, poor infrastructures and the informality and lack of competitiveness affecting many Micro, Small and Medium-Sized Enterprises (MSMEs) in the region.

Additionally, the AAP 2016 will include a decision allocating EUR 1,960,000 for support measures. This Decision is meant to be the second contribution of support measures for building capacity and providing technical assistance in a more efficient and structured manner, ensuring that the focal sectors reach maximum results, impact and visibility.

Finally, as stated in the Multi-Indicative Regional Programme Latin America 2014-2020, social cohesion will be the leitmotif in the bi-regional relations, and will be addressed in all priority areas in an integrated way. It stands very high on the political agenda as documented by several EU(CE)LAC summit declarations.

By helping to address these challenges in Latin America, the EU can continue to contribute to meeting the EU's development objectives under the Development Cooperation instrument (DCI) aiming at continuous reduction of poverty and to ensuring the region's sustainable development in all its dimensions. Such efforts would also translate in concrete terms the EU's strategic objectives of building a closer and more effective strategic partnership with Latin America both on bilateral matters and on global/multilateral affairs.

3. Summary of the Action Programme.

1) Background:

Over recent years, the countries of Latin America have collectively enjoyed strong economic growth and macro-economic stability. Economic progress, in large part due to exports of natural resources from a region rich in biologic diversity, has translated into a higher profile and rising influence on global economic issues and in multilateral negotiations e.g. on climate change and sustainable development. Taken as a whole, the region has continued its progress in consolidating human rights and democracy.

Yet considerable challenges remain and the development gains of many Latin American countries are fragile:

- Despite improvement in some countries, **the region remains the most unequal in the world**. Poverty and income distribution trends as well as citizen perceptions of inequality indicate the need to promote **more sustainable and equitable growth** across the region and ask for greater efforts to ensure **higher levels of social cohesion**.
- **Crime rates** are among the highest in the world. State institutions responsible for ensuring the key public goods of security, justice and rule of law are confronted in many countries with powerful and well-resourced **organised crime** interests (engaged in the **drugs** trade and other forms of **trafficking**), as well as high levels of regular crime. Porous borders are another serious issue. Insecurity in much of the region has important human, social and economic costs, and diminishes **citizen trust in State institutions**, thereby weakening the social contract which is essential for development to succeed.

- Economic growth in Latin America has been heavily based on external demand for natural resources and commodities. A number of **structural weaknesses may impede higher, more inclusive economic growth** in the coming years. These include lack of diversification, need for more sustainable use of natural resources, difficult access to innovation, limited job creation, bottlenecks as regards systems for skills and training, and the lack of competitiveness and informality affecting many Micro, Small and Medium-Sized Enterprises (MSMEs) in the region, and the need for open markets and an investment-conducive environment.

2) Cooperation related policy of beneficiary country

The continental nature of the challenges faced, and of the responses required, is widely recognised in the region. This is also reflected in the EU-LAC dialogue at the highest political level (as illustrated in outcomes of the EU-CELAC Summit, June 2015). This expression of ownership and political will on the part of all the countries of the region is an asset for the purposes of implementing EU cooperation responses at continental level.

Continental-level cooperation and integration initiatives under this programme will complement national and sub-regional efforts to tackle these challenges effectively and sustainably with the ultimate goal to eradicate poverty. To this end, they could assist in promoting international standards and good practices. They could also serve to foster continent-wide mechanisms for cooperation and dialogue.

3) Coherence with the programming documents:

The actions proposed in this document should directly contribute to the following objectives of the Multiannual Indicative Programme for Latin America:

- Inclusive and sustainable growth for human development

General objective:

Poverty reduction through more inclusive and sustainable economic growth in Latin America.

Specific objectives:

Increase the competitiveness of the private sector and the proportion of economic actors in the formal economy, particularly for MSMEs, increasing job opportunities and decent work, including in environment-related sectors to increase social cohesion.

- Security - development nexus

"Security-Development nexus" constitutes a focal sector under the Latin America Multiannual Indicative Programme 2014-2020 (MIP), with a total allocation of EUR 70 million. The objective of the MIP is covered by the proposed programme.

- Environmental sustainability and climate change

General objective:

Reduce poverty of most vulnerable populations by fostering environmental sustainable development and improving the capacity to cope with climate change and disasters

Specific objectives:

- Foster exchange and cooperation on environmental and climate change-related challenges in order to promote sustainable management of natural resources and ecosystems and integrate sustainable development policies at national and local level.

- Strengthen regional networks to create knowledge and to share experience, through inter alia, peer learning and exchanges of best practices.
- Reinforce the capacity of LA countries to mitigate and adapt to climate change in particular by seeking to reduce the vulnerability to climate stress and improving disaster risk management.

4) Identified actions (summary of action fiches): overall objectives and purpose (specific objective) for each action covered by the (Annual) Action Programme.

• **Rule of Law and Citizen Security Programme**

Latin America and the Caribbean feature some of the highest rates of criminal violence in the world. In a decade, more than one million people have died in the region as a result of criminal violence. Many countries face particular security challenges that are of global concern. Public insecurity, organised crime, drug trafficking, money laundering and corruption remain of paramount importance on regional agendas.

The incidence and severity of crime reduce the community's trust in the Police forces and in the Judiciary, posing serious challenges to State's capacity in providing common goods like security and justice. In order to contribute to strengthen the Rule of Law and Citizen Security and, and to the fight against organised crime, one of the obstacles for the full development of Latin America and the Caribbean, this proposal aims at contributing to the construction of an effective Latin American police/Law Enforcement and judicial space and foster cross-border, regional and international (LA-EU) cooperation with a major focus on organised crime, in line with the external dimension of the EU Security policy.

The programme will contribute to strengthening regional cooperation throughout the whole process of police investigation, judicial activity and detention, with a specific emphasis on transnational organised crime and within the legal framework of the UN Palermo Convention. The programme will also aim at strengthening existing institutional networks and Latin American-EU intercontinental links.

It will provide an overarching umbrella that ensures effective complementarity and coordination of actions financed under the DCI and EDF Instruments, as well as with other EU thematic instruments, such as the Instrument contributing to Stability and Peace, in a comprehensive and coordinated manner, through **three pillars**:

I. Police/Law Enforcement cooperation: Enhance cooperation between police forces and law enforcement agencies in the continent and, building upon and consolidating the results of the first phase of the IcSP-funded project AMERIPOL-EU (one former component of the Cocaine Route Programme), this pillar will, but not limit to, consolidate AMERIPOL as a regional entity able to enhance cooperation between national police forces in Latin America;

II. Judicial cooperation: Focus on mutual legal assistance and extradition, joint investigation teams, fostering the implementation of international law on the efforts to counter transnational organised crime by promoting cooperation in criminal matters and in particular the full implementation of the UN Convention against Transnational Organised Crime and supplementary Protocols and the UN Convention against Corruption. The programme will also strengthen existing institutional networks and Latin American-EU intercontinental links.

III. Penitentiary system: Focus on training of staff through ad hoc academies and/or schools, support to the development of a penitentiary career and to penitentiary reform in Latin America, fostering institutional reengineering of the penitentiary system (e.g. penitentiary intelligence, administrative management, security measures and means, compliance with Human Rights standards).

- **LAIF**

The **Latin American Investment Facility (LAIF)** is a blending facility which combines EU grants with other public and private sector resources such as loans and equity in order to leverage additional non-grant financing, and achieve investments in infrastructure and support to the private sector. LAIF aims at reducing the social and economic inequalities which represent one of the biggest threats of the continent by promoting actions which foster economic activities in different sectors.

LAIF aims at fostering investments which will have a positive impact on the socio-economic development in Latin America such as infrastructures in transport, communication and energy interconnections and promotion of renewable energies. It also addresses threats to the environment, including water supply and sanitation and climate change adaptation and mitigation. LAIF also promotes smart, sustainable and inclusive growth, through support to small and medium sized enterprises, to social sectors and to municipal development.

Special attention will be given to a balanced geographical distribution of the projects and to actions which will promote regional or sub regional integration.

The Facility is designed to combine EU grants with other public and possibly private financing. By reducing, through co-financing, the overall cost of the project or by subsidising interest rates and/or financing technical assistance, the Facility will encourage the beneficiary governments, private sector and/or public institutions to carry out essential investments in sectors which would otherwise be postponed due to lack of resources.

Decisions on LAIF financing are conditioned to the additionalty of the LAIF contribution.

LAIF is a mechanism able to enhance an important leverage effect on priority investments which could not be faced by national financial resources.

Therefore, LAIF does not support any operation which could normally be financed without it by the market.

- **Support Measures**

In the continental component of the MIP for regional Latin America, EUR 15 million have been set aside for support measures. The "Support measures for Latin America regional (continental) activities 2016-2017" project, for an amount of EUR 1,96 million, is meant to be the second contribution of support measures for building capacity and providing technical assistance in a more efficient and structured manner, ensuring that the focal sectors reach maximum results, impact and visibility.

The support measures aim to facilitate a well-structured and strategic capacity building and policy dialogue process. They will provide short-term technical assistance linked to the preparation, follow-up, monitoring, auditing and evaluation activities necessary to the efficient implementation of relevant/ high impact regional projects. It includes the provision of resources aiming at activities such as: organising seminars, meetings, events, awareness-raising campaigns, and training sessions; undertaking thematic studies and publications; exchanging and gathering information; developing online networks; as well as communication and visibility strategic actions, in order to achieve the results and impact of the continental strategy as a whole. The support measures will optimize the effectiveness and efficiency of EU interventions in the Latin America region, contributing to mitigate the risks and draw lessons from the EU's previous experience of cooperation in Latin America.

5) Expected results:

The concrete results of the annual action programme mentioned in the previous section shall contribute to poverty reduction. They will put specific focus on several cross-cutting issues, such as gender equality, environmental sustainability and human rights.

6) Past EU assistance and lessons-learnt:

Evaluations of the 2007-13 continental programmes in Latin America have consistently shown their value, particularly in terms of improving capacities of local counterparts, access to services, evidence-based changes in policies and regulations. Programmes have also earned credibility with political and social leaders, with scaling-up of results achieved and strong links with continuity plans by partner governments. Current regional programmes have focused to an important extent on knowledge-transfer and peer learning (between the EU and Latin American countries; but also among Latin American countries). Such an approach is relevant for addressing the different development needs of all countries in the region, in particular poverty reduction. It allows ample scope for South-South cooperation, and for fostering regionally-owned solutions to regional challenges.

The EU should build on this experience, in light of the new regional context and policy framework and focus on areas where the EU can provide clear added value. The EU as the world's leading model for social cohesion and citizens' security can definitely provide added value in the areas addressed by this annual action programme.

4. Communication and visibility

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated before the start of implementation and supported with the budget indicated in section 5 below.

The measures shall be implemented either (a) by the Commission, and/or (b) by the grant beneficiaries and entrusted entities. Appropriate contractual obligations shall be included in procurement and grant contracts.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

5. Cost and financing

• Rule of Law and Citizen Security Programme	EUR 20 million
• LAIF	EUR 80 million
• Support Measures 2016-2017	EUR 1.96 million
Total EU contribution to the programme	EUR 101,960,000million

The Committee is invited to give its opinion on the attached Annual Action Programme 2016 – part III - in favour of the Latin America Region.



This action is funded by the European Union

ANNEX 1

of the Commission Implementing Decision on the continental programme on Rule of Law and Security-Development nexus.

Action Document for Continental programme on Rule of Law and Security-Development nexus

INFORMATION FOR POTENTIAL GRANT APPLICANTS

WORK PROGRAMME FOR GRANTS

This document constitutes the work programme for grants in the sense of Article 128(1) of the Financial Regulation (Regulation (EU, Euratom) No 966/2012), in the following section concerning calls for proposals: 5.3.1.1. "Grants – call for proposals (direct management)"; and in the following sections concerning grants awarded directly without a call for proposals: 5.3.1.3 and 5.3.1.4.

1. Title/basic act/ CRIS number	EL PacCto: Europa-Latinoamérica Programa de asistencia contra el crimen transnacional organizado: por el Estado de Derecho y la seguridad ciudadana CRIS number: DCI-ALA/2015/038-721 financed under Development Cooperation Instrument.
2. Zone benefiting from the action/location	Latin America, continental.
3. Programming document	Multi-annual indicative regional programme for Latin America 2014-2020.
4. Sector of concentration/ thematic area	Security-Development nexus
5. Amounts concerned	Total estimated cost: EUR 20 M. Total amount of EU budget contribution EUR 20 M. This action is co-financed by potential grant beneficiaries for an indicative amount of EUR
6. Aid	Project Modality

modality(ies) and implementation modality(ies)	Indirect management with a Member State Agency or Direct management – grants – Call for Proposals. Direct management – grants - direct award.			
7. DAC code(s)	15210 (Security system management and reform)			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	9. Global Public Goods and Challenges (GPGC) thematic flagships			

SUMMARY

Latin America and the Caribbean feature some of the highest rates of criminal violence in the world. Many countries face particular security challenges that are of global concern. Public insecurity, organised crime, drug trafficking, money laundering and corruption remain of paramount importance in regional agendas.

The incidence and severity of crime reduce the community's trust in the Police Forces and in the Judiciary, posing serious challenges to State's capacity in providing security and justice. In order to contribute to strengthening the Rule of Law and Citizen Security, and to the fight against organised crime, a major obstacle for the development of Latin America, this proposed action aims at contributing to the construction of an effective Latin American police/law enforcement and judicial space and foster cross-border, regional and international (LA-EU) cooperation with a major focus on organised crime, in line with the external dimension of the EU Security policy.

Based upon a "demand-driven" and "flexible geometry" approach, the programme will contribute to strengthening regional cooperation throughout the whole criminal chain from police investigation, judicial proceedings to detention, with a specific emphasis on transnational organised crime and within the legal framework of the UN Palermo Convention. The programme will also aim at strengthening existing institutional and operational networks and Latin American-EU intercontinental links.

It will provide an overarching umbrella that ensures effective complementarity and coordination of actions financed under the DCI and EDF Instruments, as well as with other EU thematic instruments, such as the Instrument contributing to Stability and Peace, in a comprehensive and coordinated manner, through **three pillars**:

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II. Judicial and Prosecution cooperation: Focus on Mutual Legal Assistance and extradition, Joint Investigation Teams, fostering the implementation of international law on the efforts to counter transnational organised crime by promoting cooperation in criminal matters and in particular the full implementation of the UN Convention against Transnational Organised Crime and supplementary Protocols and the UN Convention against Corruption. The programme will also strengthen existing institutional and operational networks and Latin American-EU intercontinental links.

III. Penitentiary system: Focus on casework, capacity-building of staff through ad hoc academies and/or schools, support to the development of a penitentiary career and to penitentiary reform in Latin America, fostering institutional reengineering of the penitentiary system (e.g. penitentiary intelligence, administrative management, security measures and means, compliance with Human Rights standards). This pillar will also include the treatment of Juvenile offenders.

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

1.1.1 Public Policy Assessment and EU Policy Framework

Security¹ and development are mutually reinforcing elements of social coexistence. There is widespread recognition that security cannot be pursued as a direct means to development, just as development will not solve all issues concerning security. Hence justice, security, and rule of law are at the core of EU objectives and operations, objectives that are constantly being reiterated, updated and reinforced (e.g. *"Increasing the impact of EU development Policy: an Agenda for Change"* in 2011², in the post-2015 agenda: "[...] It should address the structural causes of poverty, inequality and violence including by strengthening effective inclusive and democratic institutions, good governance and rule of law. Only by addressing all these elements will the new agenda be transformative. [...] and in the 2030 Agenda for Sustainable Development³, adopted in September 2015 in the UN Summit - Goal 16 of the Sustainable Development Goals is dedicated to the promotion of peaceful and inclusive societies for

sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels).

The United Nations Development Programme (UNDP) report on human development in Latin America 2013-14 underlined that Citizen insecurity has become an urgent challenge for Human development in Latin America and the Caribbean. The region is now stronger economically, has less poverty and more consolidated democracies, but it also highlights that crime and lack of security are among the most destabilizing factors and structural weaknesses⁴.

Many Latin America countries face a dilemma: on the one side, there are promising signs of democratic consolidation and economic progress⁵. On the other side, the continent features some of the highest rates of criminal violence and socio-economic inequality in the world. This is particularly the case for Central America and the Caribbean⁶, the lowest ranked region and where many of the world's highest homicide rates can be found⁷ (Global Peace Index 2015). Some perspective may help gauge the extent of the problem: Poland, with 39 million inhabitants, has an average of 527 homicides per year (EUROSTAT); by contrast, Central America, with a population of 41 million, reports 18,000 violent deaths annually (World Bank, 2013). These not only contribute to undermining the effectiveness of the justice and security system and to perpetuating a climate of insecurity, but also have a considerable negative impact on the economy⁸. At global level, according to UN estimates, the total amount of criminal proceeds in 2009 was approximately USD 2.1 trillion, or 3.6% of global GDP⁹.

Corruption and impunity also seriously harms the economy and society as a whole: deep-rooted corruption hampers economic development, undermines democracy, and damages social justice and the rule of law¹⁰. Some countries in the region traditionally face bad ratings on Transparency International's annual corruption perception index.

Organised crime groups¹¹ - illegal enterprises designed to generate profit - have shown a great level of sophistication in their criminal activity. Some organised crime groups have allegedly established links with State officials at all levels, former and active members of the security system, the business community and organised crime networks which are active in smuggling activities. They engage in a multitude of cross-border criminal activities, diversifying their portfolio: e.g. drug trafficking, illicit arms trafficking, human trafficking and smuggling (sex trafficking alone can produce USD 16 billion a year in revenue in Latin America¹²), illegal mining, logging, counterfeiting, cybercrime (a growing problem)¹³, kidnapping, extortion, counterfeit medicines, money laundering¹⁴. The profits derived from these activities are laundered and reinvested into licit activities. Organised crime groups increasingly hide and reinvest assets in States other than the one where the crime is committed- generating very large earnings¹⁵ - taking into consideration legal gaps and lack of coordination among countries.

The incidence and severity of crime reduce the State's capacity in providing Security and Justice posing serious challenges to the community's trust in Police and in Judiciary. Among the reasons of such mistrust, we can identify the following: corruption, flaws in criminal investigations (e.g. many cases thrown out by judges because the police have not solid evidence and prosecutors have not correctly prepared and presented their cases), among some justice systems within the LA region, the Courts are so overburdened that difficulties arise

with the effective prosecution of cases. Some major issues related to the conduct of criminal proceedings have been identified, such as corruption, lack of regional cooperation, delays, lengthy procedures, inadequate way that gender violence and femicide cases are dealt with by police and judicial officers, deficient legal assistance, trafficking in prisons and prisons mixed and overcrowded¹⁶.

At regional level, in some cases, the central authorities' staff responsible for Mutual Legal Assistance (MLA) do not come from Prosecutor's Offices and have insufficient knowledge not only about legal cooperation, but about criminal investigation methods in general. In certain countries, staff of some central authorities lacks sufficient knowledge about applicable conventions, and existing networks and tools created to improve judicial cooperation. Rogatory Letters and other Mutual Legal Assistance requests are normally based on general bilateral agreements which are not always as effective as specific instruments for certain MLA requests. Very frequently, bilateral agreements are not applied. This is especially remarkable in the case of extradition treaties. Moreover, most of the EU - LAC multilateral and bilateral conventions lack the most appropriate provisions dealing with the main measures of investigations and evidence-taking used in organised crime cases: interception of communications, undercover agents, witness protection, controlled deliveries or joint investigation teams. Few bilateral conventions include effective provisions suited for these cases or for urgent requests¹⁷.

Nevertheless, and despite all these difficulties, within the LA region there is an interest to cooperate specifically in the area of organised crime and recognition that these crimes requires regional or international cooperation at all levels in order to be successfully tackled¹⁸. This was reaffirmed during the last EU-CELAC Summit in June 2015¹⁹.

There are areas where it is possible to improve significantly the current situation in terms of both the legal and the operational frameworks. A majority of the LA countries are signatories and parties²⁰ to the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (Vienna Convention), the Convention Against Transnational Organised Crime, November 2000 and its three Protocols ("Palermo Convention")²¹ and the UN Convention against Corruption (UNCAC). Furthermore, a network of other conventions has grown, some bi-lateral some regional, which also facilitate cooperation in the LAC region, and between the region and the EU, for both MLA and extradition. While there is certainly no "one law fits all", a lot can be gained by studying legislation put in place by other States. Furthermore, there are international networks bodies (e.g. REMJA, AIAMP, IberRed), which are in a position to facilitate such cooperation and to ease communications between cooperating countries. A better use of judicial and law enforcement tools may help achieve a better impact.

This programme, takes into account the situation described above and aims at supporting, closer regional and international police and judicial cooperation with a view to better identifying, investigating, prosecuting and sanctioning individuals and groups engaged in organised crime activities such as drug trafficking or cybercrime.

1.1.2 Intervention logic

Justice, Security, Rule of Law, Human Rights and fundamental values are at the core of EU objectives and operations, objectives that are constantly being reiterated, updated and reinforced²².

The Multiannual Indicative Regional Programme (MIP) for Latin America 2014-2020 has identified the Security-Development nexus as one of the priority areas in both components of the MIP (continental and sub-regional for Central America). More specifically, the proposed action stems from the first line of action under the continental component, notably:

1. Security and Rule of Law;
2. Drugs policies;
3. Border Management/Migration.

1.1.3 Stakeholder analysis

The key actors of this programme are the governments and public entities related to the whole criminal chain in Latin American countries. The AMERIPOL entity will also be an important beneficiary of the programme. The final beneficiaries are the citizens of the Latin American countries, particularly the most vulnerable. Civil Society Organisations operating in the security and justice sectors may also be considered as beneficiaries for certain activities of the programme.

1.1.4 Priority areas for support/problem analysis

To address these challenges in a coordinated and coherent manner, the institutions belonging to the security and justice sectors need to be legitimate, accountable, and efficient and act in accordance with the Rule of Law. Constitutional and/or legislative guarantees and laws mean little without effective implementation and real benefit for the citizens. The EU assistance should help to strengthen institutions to make, promulgate, enforce, uphold and adjudicate the law in a manner that ensures protection, security, safety and justice for all.

The proposed action will be structured around **three pillars** that will be implemented in a comprehensive and coordinated manner, notably:

I. Police/Law Enforcement cooperation: Enhance police cooperation and law enforcement in the region also consolidating AMERIPOL (The Police Community of the Americas) as a regional entity able to foster cooperation between police forces in Latin America. This will be done also building on and consolidating the work conducted so far under the AMERIPOL-EU project funded under the EU Instrument contributing to Stability and Peace (3.75 million EUR, December 2010-December 2015 under the IcSP²³);

II. Judicial and Prosecution cooperation: Focus on Mutual Legal Assistance and extradition, Joint Investigation Teams, fostering the implementation of international law to counter transnational organised crime and corruption by promoting cooperation in criminal matters and in particular the full implementation of the UN Convention against Transnational Organised Crime and supplementary Protocols on the fight against organised crime and the UN Convention against Corruption. The programme aims also at strengthening existing institutional and operational networks and Latin American-EU intercontinental cooperation;

III. Penitentiary system: Focus on casework, capacity-building of staff through ad hoc academies and/or schools and support to the development of a penitentiary career, and support to penitentiary reform in Latin America, fostering institutional reengineering of the penitentiary system (e.g. penitentiary intelligence, administrative management, security measures and means, compliance with Human Rights standards)²⁴. This pillar will also include the treatment of juvenile offenders.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
<p>National ownership and commitment of participating countries may not be fully and permanently ensured.</p> <p>Given that the Security and Justice sectors are at the heart of a society's power structures, forces may resist, for example, judicial independence or external (often illicit) influence.</p> <p>Inherent to any regional programme is the risk of political tensions between partner countries. This may hamper their cooperation and thereby be detrimental to the effective implementation of the programme.</p> <p>The differences between the two major legal traditions (Civil and Common law) could have consequences on the quality of international cooperation.</p> <p>Lack a professional and independent civil service. Public officials may be subject to political control, and there is a high turnover of staff in all levels of public administration, including when governments change in many countries in Latin America.</p> <p>Poor working conditions. Personnel and in particular members of the Penitentiary system may have their capacity and motivation affected by inadequate facilities and resources, poor remuneration and other work conditions, and a lack of career structure and perspective.</p> <p>Some countries may have limited absorption capacities.</p>	<p>M</p> <p>M</p> <p>M</p> <p>M</p> <p>M</p> <p>M</p>	<p>Political and policy dialogues carried out by the EU (HQ and EU Delegations) at national level when dealing with national policies and programmes will represent an important mitigating instrument to work on highly political and sensitive issues, contributing to unlocking potential situations that could undermine regional participation/cooperation.</p> <p>Promotion of permanent dialogue between the European Commission (via DEVCO G), (in close cooperation with relevant EEAS services) and beneficiary countries in the framework of the EU-CELAC existing platforms.</p> <p>Support of competent and experienced TA, integrating in the Consortium different legal traditions may contribute to mitigate this risk.</p> <p>Coordination mechanisms with the relevant stakeholders should be established to ensure commitment and ownership of Governments during the Programme' implementation.</p> <p>To this aim, an important aspect of this programme will be to focus on capacity building based on the implementation of demand-driven Thematic Task Forces (TTFs). Each TTF will involve a certain number of countries willing to develop or to share their response to practical issues related to organised crime.</p> <p>Working Groups (WGs) could be set up inside the different Task Forces. This will allow the definition of sub-objectives and related activities, according to the priorities and interests and tailored to clusters of countries sharing similar challenges and ready to define and adopt</p>

		<p>analogous responses.</p> <p>This participatory approach should also serve the purpose of mitigating some of the risks identified above.</p>
Assumptions		
<p>Sustained political will and fight against corruption are essential prerequisites.</p> <p>It is assumed that partners will be ready to cooperate and to join sub-regional and regional forms of cooperation.</p> <p>It is assumed that participating countries will consider ratifying or acceding to international and sub-regional legal instruments and implement them into their domestic jurisdiction.</p> <p>Another assumption is that partner countries will ensure sustainability and durability to the programme by making available the necessary human, financial and material resources.</p> <p>Close cooperation and coordination with the relevant stakeholders, including EU Member States, EU Delegations and other bilateral/regional/trans-regional EU funded-projects/programmes on Security/Justice/Penitentiary, in participating countries is crucial in order to address and mitigate all these risks.</p>		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

Many lessons learnt from different past and ongoing bilateral projects/programmes on Security and Justice can be drawn²⁵, notably:

- Prevention efforts cannot yield good results unless the security context has significantly improved;
- Importance to ensure consistency with the national priorities and policies and the demand-driven orientation remain essential precondition of success;
- If amendments or legislative reforms are deemed necessary, an active role of the Parliament/Congress would be required in the implementation of the cooperation programme;
- The imperative for the State to provide adequate funding and skilled staff to the Security and Justice sectors;
- The continued need to improve the quality of criminal investigation, exchange of information and the coordination between the Police and the Attorney General's/Prosecutor Office;
- Seeking to increase quality and effectiveness of criminal investigation, Forensics bodies must be associated;
- When seeking to strengthen criminal investigation, it is crucial to take into account the following operational aspects:
 - increasing relevance of "new" crimes such as environmental crimes²⁶ and cybercrime;
 - usefulness of special investigations techniques such as wiretapping and covert operations;
 - use of justice collaborators;
 - witness protection;

- money laundering, asset seizure and reversion.

There is also a necessity to be more focused, targeted and realistic in our objectives and to ensure political will/commitment of national authorities (e.g. also in terms of allocated public funds) to link our cooperation activities to certain structural State policy reforms. Priority lines of actions need to focus on the implementation of the UN Palermo Convention for the fight against the multifaceted phenomenon of organised crime, money laundering, asset seizure, cross-border, regional judicial cooperation including legal harmonization, common arrest warrant, extradition and mutual legal assistance, taking into account the respect for Human Rights and Data protection.

3.2 Complementarity, synergy and donor coordination

There is a need for close relationships between the different projects/programmes at national/bilateral level on Security/Justice issues and the continental ones. Responses need to be coordinated if it is intended that they should have real impact. The proposed intervention will complement ongoing bilateral programmes on security and justice, mainly those in Peru, Bolivia, Guatemala, Honduras, Costa Rica and Panama²⁷. At Central American and Caribbean level in particular, close and permanent coordination will have to be ensured with the EU support to the CA Security Strategy (*Estrategia de Seguridad de Centroamerica - ESCA*), EU country-specific interventions (both bilateral and thematic cooperation) and in support of the Caribbean Security Strategy, CARICOM and CARIFORUM, as well as with the objectives of the EU Strategy on Citizen Security in Central America and the Caribbean and its Action plan.

Strong coordination will also have to be ensured with other EU regional interventions such as COPOLAD II, EUROsociAL +, as well as with trans-regional programmes, such as IcSP Cocaine Route Programme and its different components, including the new trans-regional (LA-Caribbean-West Africa) one on "Strengthening Criminal investigation and judicial cooperation along the Cocaine Route" expected to start in the first semester of 2016.

In terms of donor coordination, special efforts will be required to enhance coordination with relevant existing coordination mechanisms and platforms (such as the Bogota Platform), actions funded by EU Member States (regional and bilateral level), as well with other major non-EU donors such as the US. In this respect, as regards Central America and Mexico in particular, it will be important to coordinate with the Merida Initiative, on the "Plan of the Alliance for Prosperity in the Northern Triangle", with ongoing and future US-funded activities channelled via the Central America Regional Security Initiative (CARSI), and implemented by USAID and other federal agencies such as the Bureau of International Narcotics and Law Enforcement Affairs (INL), in particular as regards the support to the justice system and to "soft" security.

As far as support to the Penitentiary system is concerned, special coordination will have to be established with Inter-American Development Bank-funded programmes, in particular at the level of Central America (component III of ESCA).

Other donors may be invited to participate in the activities relevant to their expertise or where they can provide added value/benefit from the activity. Also, whenever pertinent, joint actions and activities may be done together with other donors.

3.3 Cross-cutting issues

Interventions in the field of security and justice cut across many different sectors and issues, ranging from Human Rights, good governance, criminal law, corruption, border management, social and economic inequalities, gender equality and women empowerment, to urbanism and labour migration.

Human Rights and gender, as well as aspects related to enhancing accountability and transparency should be mainstreamed across all programme's activities. In particular, the programme will incorporate a "HR-based Approach" in line with Council Conclusions of 19 May 2014 and Council Conclusions of 26 June 2012.

The proposed programme has also identified other significant cross-cutting issues, such as:

- **Corruption:** every aspect of the fight against corruption includes prevention, investigation, and the prosecution of offenders. Countries are bound by the UN Convention to render specific forms of mutual legal assistance in gathering and transferring evidence for use in court, to extradite offenders. Countries are also required to undertake measures which will support the tracing, freezing, seizure and confiscation of the proceeds of corruption.

- **Money laundering:** the programme will contribute to improve performance, coordination and cooperation between Financial Intelligence Units (FIUs) of the region, sharing experiences and best practices, and, to the extent possible, to contribute to the harmonisation of criminal penalties for money laundering, preventing the use of the financial systems for laundering proceeds arising from criminal activities. Implementing Financial Action Task Force (FATF/GAFI) recommendations to fight money laundering and terrorist financing will be of utmost importance.

In the EU, the European Commission has made significant efforts to improve coordination and cooperation between Financial Intelligence Units (FIUs) and to harmonize criminal penalties for money laundering. The operational cooperation and exchange of information among EU FIUs has been reinforced by the FIU-net project. It could be envisaged to expand FIU.net in LA countries if considered relevant (see page 18).

The programme will also closely liaise with other actors, such as Customs, Courts of Auditors or institutions in charge of transparency, which are not specifically part of the Police or the Judiciary as such, but whose interventions contributes, directly or not, to the fight against organised crime, corruption and impunity.

- **Cybercrime:** the focus will be to strengthen the capacities of Latin American countries to apply relevant international standards on cybercrime and electronic evidence and enhance their abilities for effective international cooperation in this area in line with the Council of Europe Convention on Cybercrime (known as the "Budapest Convention") or other relevant conventions.

- **Gender equality:** Gender equality will be integrated as a cross-cutting issue of the programme. In particular, gender violence will be addressed at regional level to tackle some of the most socially impelling issues in Latin America such as the phenomenon of femicide. In particular, gender-based activities will aim at fostering the effective implementation in the region of the UN Convention on the Elimination of All Forms of Discrimination against

Women (CEDAW) and the Convention of Belém do Pará. Gender-based activities may benefit from the support and advice of Civil Society Organisations operating in the security and justice sectors.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

General Objective: to contribute to the strengthening of the Rule of Law and to enhance Citizen Security in Latin America. Security and Development are mutually reinforcing elements of social coexistence. Security cannot be pursued as a direct means to development, just as development will not solve all issues concerning security.

Specific Objective: to support the development of effective Latin American Police/Law Enforcement agencies and increase judicial and prosecution cooperation, as well as a more modern, efficient and HR-sensitive penitentiary system; to foster cross-border, regional and international (LA-EU) cooperation with a major focus on transnational organised crime. The EU internal security and global security are mutually dependent and interlinked.

The following results are expected:

1. Improved capacity of police forces/law enforcement agencies to conduct joint investigations /operations at regional level and collect, handle and analyse evidence for successful prosecutions;
2. Improved capacity of the AMERIPOL entity to enhance police cooperation against transnational organised crime at regional level and to liaise with INTERPOL and EU specialised agencies (EUROPOL and EUROJUST);
3. Strengthened capacity of law enforcement agencies to apply relevant legislation on cybercrime and to address the trans-border nature of such crimes through an enhanced international cooperation in this area;
4. Enhanced capacity of the justice system (including Public Ministries/General Prosecutor Offices) to prosecute and adjudicate organised crime cases at regional/international levels, ensuring a more effective extradition procedures and mutual legal assistance and that criminal justice responses are evidence-based and fully compliant with Rule of Law and international standards;
5. Contribute to enhanced legal framework and strengthened related networks allowing for stronger regional and inter-continental (LA-EU) cooperation for criminal justice and law enforcement officials on organised crime cases, also based on best practices in Latin America and the EU;
6. Enhanced capacities to cooperate in organised crime criminal investigations in Central America, including through the implementation of a Common Arrest Warrant among SICA Member States;
7. Contribute to a modernised legal and administrative framework of the penitentiary system (including treatment of juvenile offenders) and improvement in the management of prisons according to Human Rights and best practices in Latin America and the EU;
8. Increased involvement of criminal justice actors in regional efforts to counter organised crime by promoting best practices and information exchanges.

4.2 Main activities

4.2.1 Capacity-building linked to Task Forces and operational activities

Activities will include regional/inter-regional (LA-EU) ones, such as legal reform and harmonization, reinforcement of public policies, casework, capacity-building programmes (including via train-the-trainers approach and mechanisms of trainings evaluation), technical assistance through a "learning by doing" approach, consolidation of existing relevant regional networks and joint operations/investigations, exchange of best practices and awareness-raising activities (e.g. INTERPOL HQ and Regional Bureau in Buenos Aires and in El Salvador, DGs HOME, JUST, TAXUD in Brussels, or in EUROPOL and EUROJUST in The Hague).

To reinforce regional cooperation, when duly justified, the Caribbean countries might be eligible to participate in the programme.

An important aspect of this regional programme will be to focus on capacity building based on the implementation of demand-driven Thematic Task Forces (TTFs). Each TTF will involve a certain number of countries willing to develop or to share their response to practical issues related to organised crime (e.g. cybercrime, forensics, money laundering, seizure of assets, special techniques of investigations etc.). The activities foreseen will fit within a general work plan organised through the different pillars of the programme. This will allow the definition of sub-objectives and related activities, according to the priorities and interests and tailored to clusters of countries sharing similar challenges and ready to define and adopt analogous responses. The activities will be set-up considering the capacity to respond to the programme's objectives and related expected results in LA countries.

Additionally, the activities will take into account other considerations:

- The definition of participation criteria and profiles adjusted to each activity;
- An important percentage of these initiatives will involve south-south exchange of experience and good practices (within the region) which meet the request of beneficiaries. The results of these initiatives should be presented during regional conferences or alternatively at the Programme's annual Conference.

4.2.2 Close coordination and cooperation between the three pillars of the programme

On the implementation of the programme in particular, if each pillar will have its own intervention logic, synergies between the three areas will be essential in order to ensure and reinforce the efficiency of the cooperation. The programme will therefore associate regularly the relevant stakeholders (inter-pillars) on the implementation of inter-sectorial activities at national, sub-regional or regional level.

Pillar I: Police/Law Enforcement Cooperation – including strengthening AMERIPOL building on the existing project AMERIPOL-EU - (30% of total available budget)

The aim of this pillar is to contribute to the establishment of sustainable and effective cross-border, regional, international policing/Law Enforcement cooperation in accordance with best international standards. Amongst others, activities will enhance information and intelligence-sharing initiatives by fostering direct contact between the different actors involved in this field (e.g. law enforcement authorities, specialised public prosecutors). They will also support the

interaction among law enforcement and criminal justice actors such as cooperation between police officers and prosecutors in criminal investigations.

The programme will also build on and consolidate the results of the AMERIPOL-EU project (extended until September 2016 under the DCI). The latter's overall objective is to enhance the capacity for international cooperation of law enforcement, judicial and prosecuting authorities of the beneficiary countries in tackling transnational organised crime networks. In particular, it aims at strengthening the exchange of information and intelligence at improving prosecutors and law enforcement agencies' capability to carry out complex investigations. The beneficiary countries include Bolivia, Brazil, Colombia, Ecuador, Peru and Panama. Argentina, Venezuela, Barbados and Trinidad and Tobago also participate in some of the components of the project.

So far, thanks to a comprehensive capacity building programme, the skills of law-enforcement officials benefitting from the project have been enhanced. The project has also made possible joint operations between law-enforcement agencies of the region and European ones with good results, not least in terms of seizures of cocaine trafficked to Europe and of other criminal assets.

The project's objectives have also been achieved by supporting the Police Community of the Americas (AMERIPOL), notably by setting up national AMERIPOL units in each beneficiary country and encouraging their embedment in national structures. The recent launch of a pilot Information Exchange System (SIPA) contributes to the secure exchange of information between the six current beneficiary countries and is bound to substantially contribute to effective law-enforcement cooperation at regional level and at the international one (i.e. potentially with EUROPOL and INTERPOL in the longer term).

Against this, the proposed action in this pillar will pursue the following indicative priorities:

- Strengthening AMERIPOL National Units (e.g. skills, enhance the exchange of information (e.g. AMERIPOL (SIPA system) but also with INTERPOL (I-24/7 system) and EUROPOL (SIENA system), visibility, and the opening of new ones, as appropriate;
- Revising/improving the existing MoUs between AIAMP²⁸ and AMERIPOL-EU (signed in 2011);
- Implement the Letter of Intent between EUROPOL and AMERIPOL signed in 2014;
- Capacity building to be enhanced and/or developed with some common activities and casework for police, prosecutors and judges;
- Capacity building on Criminal Law and Special Criminal Law (dealing with complex cases such as money laundering, criminal conspiracy), Criminal procedure;
- Forensics (including digital evidences);
- Police and technical investigations;
- Capacity development on the existing protocols (including use of special investigative methods) for investigation for police, forensic doctors, judges, prosecutors through specialised activities institutions to be able to clearly address violence against women and femicide²⁹;
- Gender-based approach capacity-building to security forces (e.g. body searches conducted by female officers, interviewing people who have been victims of rape, separation of female inmates and career development);
- Encourage Joint investigation team (JIT)³⁰, providing JITs information to contact points in LA (e.g. IberRed, AIAMP) and encouraging the set-up of Joint investigation team, including within AMERIPOL, in particular to gain mutual trust, experiences, knowledge, seeking the

establishment of interpersonal relationships and overcoming cultural differences (on the model of EUROPOL-EUROJUST).

A phased approach for more complex issues (e.g. undercover operations, witness protection, wiretapping) could be envisaged if deemed necessary³¹.

Capacity-building activities will, as much as possible, be followed by joint operations, in which INTERPOL, EUROPOL and/or EUROJUST involvement may be relevant in certain cases.

- On Cybercrime³² in particular:

As part of this Pillar, actions shall include particular focus on cybercrime (assessing and addressing cyber needs)³³ considering especially the trans-border nature of such crimes. Under this specific sub-chapter, the focus will be to strengthen the capacities of Latin American countries to apply legislation on cybercrime and electronic evidence and enhance their abilities for effective international cooperation in this area in line with the Council of Europe Convention on Cybercrime (known as the "Budapest Convention") and other relevant international conventions. Priority will be given to the following:

- To strengthen the capacity of police authorities in Latin American countries to investigate cybercrime and engage in effective police-to-police cooperation with each other as well as with cybercrime units in Europe and other regions, as well as building AMERIPOL's cybercrime capacity to serve as a regional centre of excellence;
- To increase the Latin American authorities' capacity to address computer-related offences against children and the fight against child sexual abuse online (see the Council of Europe Project on Cybercrime and "Guidelines for the cooperation between law enforcement and ISPs in the investigation of cybercrime").

The outreach function of the European Cybercrime Centre at EUROPOL (EC3) could be opportune in this context, supporting and bringing together cybercrime experts in fighting cybercrime from throughout the EU and Third parties. A Human Rights perspective will be incorporated, in accordance with the safeguards foreseen in the 2013 Cybersecurity Strategy of the European Union, the Budapest Convention on Cybercrime and other relevant international conventions.

Specifically for Central America, actions tackling cybercrime will also aim at enhancing capacities and knowledge of cybercrime in terms of basic legislation as well as operational protocols for criminal investigations.

Pillar II: Judicial and prosecution cooperation – Strengthening judicial and prosecution cooperation in the region - (40 % of total available budget)

States in the region should strive to provide extensive cooperation to each other in order to ensure that national law enforcement authorities and judiciaries are not limited in pursuing organised crime groups and other criminals who usually seek to shield their actions by scattering evidence and proceeds of crime in different countries. The programme will contribute to strengthening cooperation and coordination throughout the whole judicial process, particularly in the area of organised crime. This will include both Judiciaries, Ministries of Justice (where existing) as well as Public Ministries/General Prosecutor Offices.

Many obstacles to extradition and Mutual Legal Assistance (MLA) have been identified (from a practical point of view): ignorance or problems identifying applicable international agreements; problems identifying and locating the central authority or the existence of various central authorities; problems arising from translation; delays in communications and executions; lack of sufficient collaboration from central authorities or enforcing authorities; lack of direct contact between issuing and enforcing judicial authorities; lack of information on legal instruments on the part of judges, prosecutors and other legal actors involved; lack of forms for requesting drafting and execution; ignorance or lack of effective support in legal networks (e.g. IberRed); lack of means for videoconferencing; non-acknowledgement of receipt by the country of destination or loss of information on the case and the request status; return of incomplete requests or lack of availability for the amendment of defective requests by the enforcing judicial authorities etc.

Besides, many EU-LA countries' agreements deal specifically with MLA in relation to drug trafficking but their scope is normally limited to assistance in investigations and do not include, for example the tracing, seizing and confiscation of assets. Therefore what is lacking is a comprehensive approach such as the one adopted by the Palermo Convention which includes a wide range of cooperation measures: measures traditionally associated with MLA, asset seizure, joint investigation teams, special investigative techniques, or the transfer of criminal proceedings.

The proposed action will pursue the three following indicative priorities:

1/ Capacity building of competent authorities:

Capacity building is a key tool in order to ensure that rights granted by legislation become a reality, that the effectiveness of the justice systems in the States increases and that legal practitioners trust each other's justice systems. Specific courses and casework for law enforcement authorities, prosecutors, judges and other judicial authorities may contribute to a more effective implementation of MLA instruments and legislation. The programme will encourage training providers, whether public, to organise more dedicated activities in relevant legal topics for legal professions, addressing the particular issue of court staff formation, including in terms of facilitating the regional cooperation of court staff training providers where relevant.

To ensure the efficiency and success of these activities it will be necessary to establish rigorous criteria for the selections of participants, in close cooperation with relevant Ministries. It could be proposed also to request the association of networks of judicial authorities in the nomination of participants (e.g. through REMJA³⁴, AIAMP, COMJIB, IberRed).

Among the key priorities, the focus will be on the following:

- Improving skills in managing judicial cooperation (e.g. extradition, mutual legal assistance); promoting complementary direct contact between competent authorities throughout the request process and allowing for direct transmission of mutual legal assistance requests between competent authorities in urgent cases; promoting efficiency by eliminating or minimising the use of grounds for refusal and limitations;
- Promoting international law and standardization/homologation of relevant domestic legislation;

- Analysing conflicts of jurisdiction, making it necessary to determine in which cases matters are subject to national, international or supranational jurisdictions and exploring legal solutions to conflicts of jurisdictions including provisions on the transfer of proceedings;
- Treatment of transnational evidence in organised crimes, drug trafficking crimes and money laundering, national legislations establishing different systems of guarantees, particularly with regards to gathering evidence;
- Providing for the possibility of mutual legal assistance in asset recovery proceedings and non-conviction based confiscation proceedings; making the recovery of assets and the proceeds of organised crime more feasible; transnational investigations into real estate;
- Treatment of special investigative techniques and provisions allowing interception of telecommunications; reinforcing procedures for the protection of witnesses and law enforcement authorities;
- Specific provisions for assistance in computer crime investigations and supporting the LA countries in adopting legislative measures on cybercrime, electronic evidence and the protection of children from sexual exploitation in compliance with international obligations³⁵ (Budapest and Lanzarote Conventions or other relevant international conventions) and strengthening the abilities of criminal justice authorities to apply legislation and prosecute and adjudicate cases of cybercrime and electronic evidence and engage in international cooperation;
- Promoting the use of IT platforms for transmitting and providing cooperation³⁶;
- Encouraging Joint Investigation Teams;
- Foreseeing appropriate data protection provisions.

2/ Strengthening current institutional networks and intercontinental (LA-EU) links:

The programme could help strengthening different existing networks created to improve judicial cooperation.

In order to encourage legal and judicial cooperation in the Americas, the Organization of American States (OAS) Member States agreed to hold periodical meetings from 1997 onwards: Meetings of Ministers of Justice or other Ministers, or Attorneys General of the Americas (REMJA). REMJA constitutes the political and technical forum of importance on the hemispheric level in matters related to the strengthening of and accessing justice and international legal cooperation in general, and to mutual assistance in criminal matters, extradition, penitentiary and prison policies in particular.

Significant progress has also been made in the creation of a shared space of judicial cooperate in, namely by the Conference of Ministers of Justice of the Ibero-American Countries (COMJIB), created formally in 1992. COMJIB has a Permanent General Secretariat based in Madrid that is also that of the Ibero-American network in civil and criminal matters (IberRed) and a Delegated Commission - as set out in its Founding Treaty and later in the Host Agreement signed with Spain. Created in 2004, the Ibero-American Network of International Legal Cooperation - Red Iberoamericana de Cooperación Jurídica Internacional (IberRed) is a cooperation tool, for both civil and criminal matters, at the disposal of judicial operators from 22 Ibero-American countries (including Spain, Portugal and Andorra) and the Supreme Court of Puerto Rico.

Within this institutional framework is it also important to mention the work of the Ibero-American Association of Public Prosecutors (AIAMP), founded in Brazil in 1954. This

association arranges annual meetings of the General Public Prosecutors from 21 Ibero-American countries. From 2007, they have worked on concrete subjects relating to international cooperation and they have approved various documents and made commitments to improve mutual collaboration. AIAMP aims at the promotion of international legal cooperation and assistance in criminal matters with the purpose of improving and encouraging the prosecution of those involved in organised crime.

The programme will also promote the implementation of existing Memorandum of Understanding (MoUs): IberRed-EUROJUST (into force since 2009) and IberRed – the European Judicial Network (EJN) (IberRed signed a MoU with the EJN in 2010). These MoUs and the one signed between COMJIB/IberRed with the General Secretariat of INTERPOL in 2012, seek to consolidate and improve the effectiveness of international judicial co-operation between the partners in the fight against trans-national crime and the globalisation of crime.

Knowledge and understanding of these different MoUs should be promoted among the IberRed contact points. Legal staff in general do not know the potential role that IberRed can play in facilitating international judicial cooperation with EU Members States through EUROJUST or EJN: i.e. seeking solutions to difficulties arising in the execution of a request for judicial cooperation or investigation; identifying the state of play of sent MLA requests, facilitating coordination of the execution of MLA and extradition requests and supporting central authorities in order to facilitate in cases with international dimensions.

These memoranda should be reinforced in different directions. As regards the EUROJUST-IberRed MoU for instance: a thorough assessment is needed from both sides as regards the effectiveness of the MoU in relation to the purpose established in article 2.1 (reinforcing the fight against serious forms of transnational crime) and to allow the exchange of operational information not involving personal data.

Specifically at Central America's level:

The programme could help strengthening the REFCO network and the Central America Council of Public Ministries. The Central American Network of Organised crime Prosecutors, (REFCO), has been created by UNODC in 2011 as a forum for sharing knowledge and experience with respect to common issues regarding organised crime and drug trafficking, such as modes of investigation, the interception of communications, witness protection and money laundering. REFCO provides a structure for developing capacity-building, in cooperation with training institutes for prosecutors. It also offers intraregional training, facilitates prosecutor exchanges between offices within the region and promotes the exchange of operational information.

Additionally, and based on the substantial work carried out with the support of COMJIB in terms of harmonization of crimes and proceedings in penal codes among SICA countries (*Proyecto de Armonización de la Legislación Penal y Procesal Penal de Crimen Organizado en Centroamérica, Panamá y República Dominicana - Marco Normativo Armonizado*) and the legal preparation an international Treaty on the Central American Common Arrest Warrant (*Orden de Detención Común*), relevant lines of action may include:

1. Support SICA Democratic Security Directorate in promoting the signature and ratification of the Common Arrest Warrant, provided that a political and legal agreement is found among SICA Member States;

2. Support SICA Democratic Security Directorate and relevant operational networks (*Comisión de Jefes de Policía, Consejo de Ministerios Públicos*, etc.) in the implementation of the Common Arrest Warrant, provided that a political and legal agreement is found among SICA Member States;

3/ The EU legal framework in Justice and Home Affairs as potential examples to share with the region:

Officials from the European Commission (e.g. DGs HOME, JUST, TAXUD) could intervene in the programme in order to present the EU's policies and their application in the Justice and Home Affairs³⁷ areas, for instance:

- DGs HOME, JUSTICE, TAXUD, and EUROPOL, EUROJUST, EJP presentations to selected representatives from LA (e.g. on The European agenda on Security, Policy Cycle against organised crime, the European arrest warrant, the EU Strategy to combat illicit accumulation and trafficking of Small Arms and Light Weapons (SALW) and their ammunition, the creation of a European Public Prosecutors' Office, the protection of personal data processed for the purpose of law enforcement and the reform of the EU's data protection framework³⁸, JIT, EU legislation);
- The European Criminal Records Information System (ECRIS), computerized system established in April 2012 to achieve an efficient exchange of information on criminal convictions between EU countries. It establishes an electronic interconnection of criminal records databases to ensure that information on convictions is exchanged between EU countries in a uniform, speedy and easily computer-transferable way. The system gives judges and prosecutors easy access to comprehensive information on the offending history of any EU citizen, no matter in which EU countries that person has been convicted in the past. In January 2016, the European Commission proposed to facilitate the exchange of criminal records of non-EU citizens in the EU by upgrading ECRIS;
- The informal and streamlined operational network, called @ON, to counter mafia-style serious and organised crime groups;
- The European Commission has made significant efforts to improve coordination and cooperation between Financial Intelligence Units (FIUs) and to harmonize criminal penalties for money laundering. The operational cooperation and exchange of information among EU FIUs has been reinforced by the FIU-net project. Funded by the Commission since its beginning, this project aims to establish a secure computer network for the exchange of financial intelligence. It could be envisaged to expand FIU.net in LA if considered relevant³⁹;
- The recently-agreed Anti-Money Laundering package to identify and follow up on suspicious transfers of money and facilitate the efficient exchange of information between Financial Intelligence Units; the Directive on the freezing and confiscation of proceeds of crime in the EU (adopted in March 2014). This directive aims to make it easier for national authorities to confiscate and recover the profits made by criminals from cross-border and organised crime.

Pillar III: Penitentiary system – (30% of total available budget)

More than 1.3 million of prisoners are in LAC prisons⁴⁰ and figures are increasing. In the past 20 years, the rate increased in average by 163%: figures has been multiply by 3 in Peru (193%), Costa Rica (193%), Colombia (214%) and have increased a lot also in Brazil (270%) and in El Salvador (335%).

In many Latin American countries, the application of the Rule of Law within prisons is still a major challenge. Moreover, trafficking and violence in prisons are widespread. Inhumane or inappropriate conditions often lead to deaths and riots and hinder the chances of social reintegration. Therefore, it is no surprise that high levels of "recidivism" among former detainees remain a great challenge.

Excessive pre-trial detentions are also a major issue that can be solved only by improving the administration of justice.

International standards and norms should be reflected in national legislations governing the respective penitentiary systems. Prison staff often is obliged to work within an outdated and antiquated legal framework which hinders rather than supports prisons' good management and reform. Occasionally, the legal and administrative framework may be in contravention of human rights and international standards.

Among the key priorities, the proposed pillar will focus on the following:

- Capacity building of the penitentiary administration through ad hoc academies and/or schools (e.g. Mexico, Colombia) and support to the development of a penitentiary career (e.g. regional curricula adapted to local levels, motivation, careers, management of human resources, including through a gender-based approach);
- Support to penitentiary reform in Latin America, fostering reform of law enforcement, directly linked to transnational organised crime: e.g. separation of inmates according to the gravity of their crimes, specific management of first-time convicted offenders for organised crime in order to avoid to develop connections with more organised criminal groups ("schools of crime"), introduction of inmates "in close custody", prohibition of cell phones, introduction of incentives for good behaviour and probation work for minor offenders, penitentiary intelligence;
- Support to the implementation of alternative/substitutive measures;
- This pillar will also include the treatment of juvenile offenders;
- In the field of prosecution, the use of security cameras and DNA testing should be extended to balance the persisting lack of testimonies in Court. It will organise workshops to highlight the importance of the legal and policy framework that must guide the operation of prisons, to understand the importance of policies and regulations in the governance of prisons and their effective management and to understand some of the basic principles involved in the development of prison policies and regulations and their implementation;
- Provide technical advice with a view to infrastructures/refurbishing prisons (e.g. High Security prisons), ensuring compliance with international Human Rights standards and best practices in Latin America and the EU;
- Support to the implement of prison data management systems that provide up-to-date, easily accessible information on cases and the situation of penitentiary population, in particular inmates in pre-trial detention;

This pillar will encourage policy dialogue and strengthened links between the penitentiary and probation systems.

Activities within this pillar may also benefit from the support and advice of Civil Society Organisations operating in the security and justice sectors.

4.2.3 Cooperation with International Organisation and EU specialised agencies

- **COOPERATION WITH INTERPOL**

- Participation in capacity building considered relevant for international police cooperation (e.g. forensics, databases and data exchanges, criminal intelligence analysis, cybercrimes);

- Cooperation on the different types of Notices (international requests for cooperation or alerts allowing police in member countries to share critical crime-related information) and monitoring. For instance, in the case of Red Notices, the persons concerned are wanted by national jurisdictions for prosecution or to serve a sentence based on an arrest warrant or court decision. INTERPOL's role is to assist the national police forces in identifying and locating these persons with a view to their arrest and extradition or similar lawful action.

- Promote, for the long term perspective, the interoperability of systems between Police data in electronic format produced by law enforcement agencies and AMERIPOL National Units (SIPA) with INTERPOL's secure global police communication system – I-24/7. A minimal level of data standardization and data protection should be agreed among participating countries in order to allow harmonious data exchange.

- **COOPERATION WITH EUROPOL AND EUROJUST**

EU specialised agencies EUROPOL and EUROJUST will play an important role in the implementation of the proposed action, with an effort to enhance the EU-wide perspective and added value of the programme. In particular, the following activities involving the two agencies are envisaged:

- Promote the cooperation between EUROPOL and potential Law Enforcement partners, in particular those on the Council list of third States and organisations with which EUROPOL can conclude agreements (Bolivia, Brazil⁴¹, Mexico and Peru)⁴²;

- Explore the possibility of cooperation mechanisms between EUROJUST and Colombia, Mexico and Brazil including via the establishment of permanent contact points;

- Support Joint Investigation Teams (JIT) in close cooperation with EUROPOL and EUROJUST, including through the JITs Network and its Secretariat (hosted at EUROJUST);

- Support the legal standardization of data protection in line with European data protection rules in particular in Latin American countries involved in the fight against key EU crime priorities;

- Support law enforcement activities in Latin America led by and/or involving Member States of the EU;

- Support internships/study visits to EUROJUST and EUROPOL HQs in The Hague by relevant law enforcement agencies of LA countries, in particular for those with a potential interest of negotiating strategic or operational agreements with EUROPOL;
- Promote, for the longer term perspectives, the possible interoperability of systems (e.g. SIPA), in order to potentially allow the creation of regional secure channels of information compatible with the SIENA interface.

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner countries, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.12 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of adoption by the Commission of this Action Document. An "inception period" of 3 months will have to be implemented for the programme's kick-start.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

5.3 Implementation modalities

5.3.1.1 Indirect management with a Member State Agency/ies

A part of this action may be implemented in indirect management with (a) Member State specialised agency(ies) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation entails (a) the management of the three pillars of the programme; (b) the close coordination and cooperation with FIAPP as regards the first pillar (for the part dedicated to AMERIPOL-EU), and with INTERPOL, management of activities that are relevant for the programme.

The entrusted entity will carry out the following budget-implementation tasks: the identification of technical assistance needs (TA), the drafting of Terms of References, the fielding of technical assistants, seminars and meetings, etc

For the implementation of this action the Commission will establish contact with all EU Member States in order to explore interest in joint implementation in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This choice is justified because of the very specific expertise that the EU Member States and their agencies could document in the sectors, the return in Internal Security for the EU, as well as their management capacity. It is planned to sign a Delegation Agreement ("PAGODA-CO"-type agreement) with the interested agency/ies for the joint implementation of this programme.

If negotiations with the above-mentioned Agency/ies fail, the action may be implemented in direct management in accordance with the implementation modalities identified in section 5.3.1.2 hereunder.

5.3.1.2 Changes from indirect to direct management mode due to exceptional circumstances

In case the preferred implementation option referred to in 5.3.1.1 cannot be implemented due to circumstances outside the Commission's control, it is foreseen to carry out a Call for Proposals for the award of one grant contract for the implementation of the Programme, as follows:

(a) Objectives of the grants, fields of intervention, priorities of the year and expected results

This action shall be implemented through a grant. The grant beneficiary will be in charge of the consecution of the objectives and of the implementation of the activities that will lead to the results of the Programme.

Therefore, the objective of the grant will be the implementation of the programme and its results, fields of intervention and priorities will be those already mentioned above:

General Objective: to contribute to the strengthening of the Rule of Law and to enhance Citizen Security in Latin America. Security and Development are mutually reinforcing elements of social coexistence. Security cannot be pursued as a direct means to development, just as development will not solve all issues concerning security.

Specific Objective: to support the development of effective Latin American Police/Law Enforcement agencies and increase judicial and prosecution cooperation, as well as a more modern, efficient and HR-sensitive penitentiary system; to foster cross-border, regional and international (LA-EU) cooperation with a major focus on transnational organised crime. The EU internal security and global security are mutually dependent and interlinked.

The following results are expected:

1. Improved capacity of police forces/law enforcement agencies to conduct joint investigations /operations at regional level and collect, handle and analyse evidence for successful prosecutions;
2. Improved capacity of the AMERIPOL entity to enhance police cooperation against transnational organised crime at regional level and to liaise with INTERPOL and EU specialised agencies (EUROPOL and EUROJUST);
3. Strengthened capacity of law enforcement agencies to apply relevant legislation on cybercrime and to address the trans-border nature of such crimes through an enhanced international cooperation in this area;
4. Enhanced capacity of the justice system (including Public Ministries/General Prosecutor Offices) to prosecute and adjudicate organised crime cases at regional/international levels, ensuring a more effective extradition procedures and mutual legal assistance and that criminal justice responses are evidence-based and fully compliant with Rule of Law and international standards;
5. Contribute to enhanced legal framework and strengthened related networks allowing for stronger regional and inter-continental (LA-EU) cooperation for criminal justice and law enforcement officials on organised crime cases, also based on best practices in Latin America and the EU;
6. Enhanced capacities to cooperate in organised crime criminal investigations in Central America, including through the implementation of a Common Arrest Warrant among SICA Member States;

7. Contribute to a modernised legal and administrative framework of the penitentiary system and improvement in the management of prisons according to Human Rights and best practices in Latin America and the EU;
8. Increased involvement of criminal justice actors in regional efforts to counter organised crime by promoting best practices and information exchanges.

(b) Eligibility conditions

Essential eligibility criteria for applicants

In order to be eligible for a grant, the **applicants** must:

- be a legal person and
- be non-profit-making and
- belong to the following categories: national law enforcement agencies or development cooperation agencies with pertinent experience in the Security and Justice sectors and
- be nationals of a Member State of the EU or Latin American States and
- be established in a Member State of the European Union or Latin American countries and
- be directly responsible for the preparation and management of the action with the co-applicant(s) and affiliated entity(ies), not acting as an intermediary.

Applicants must act with **co-applicants** that will be subject to the following **additional eligibility criteria**:

- national law enforcement agencies or development cooperation agencies of the Member States of the EU or Latin American countries with relevant experience in the Security and Justice sectors,
- public ministries of the Member States of the EU or Latin American countries responsible for Security/Justice policies.

The maximum number of co-applicants is indicatively fixed at 10, which is considered a number compatible with sound financial management. Co-applicants must participate in designing and implementing the action. All activities must be open to all EU and LAC countries.

Subject to information to be published in the call for proposals, the total indicative amount of the EU contribution is EUR 16 M and the grant may be awarded to sole beneficiary and to consortia of beneficiaries (coordinator and co-beneficiaries). The indicative duration of the grant (its implementation period) is 54 months.

(c) Essential selection and award criteria

The essential selection criteria are financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for grants under this call is 80 %.

In accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012, if full funding is essential for the action to be carried out, the maximum possible rate of co-financing may be increased up to 100 %. The essentiality of full funding will be justified by the Commission's authorising officer responsible in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to launch the call

Fourth trimester of 2016.

5.3.1.3 Grant: direct award for the continuation of AMERIPOL-EU (direct management)

(a) Objectives of the grant, fields of intervention, priorities of the year and expected results

The grant would substantially contribute to pillar I of the programme and would entail the involvement of this organisation for capacity-building, cooperation on Police activities, as well the promotion of the interoperability of systems between Police data in electronic format produced by law enforcement agencies and AMERIPOL National Units (SIPA) with INTERPOL's secure global police communication system – I-24/7.

Apart from the other activities envisaged on Police cooperation outside the AMERIPOL-EU framework, the programme will also build on and consolidate the results of the AMERIPOL-EU project (extended until September 2016 with the DCI, led by FIIAPP since 2011).

The latter's overall objective is to enhance the capacity for international cooperation of law enforcement, judicial and prosecuting authorities of the beneficiary countries in tackling transnational organised crime networks. In particular, it aims at strengthening the exchange of information and intelligence at improving prosecutors and law enforcement agencies' capability to carry out complex investigations. The beneficiary countries include Bolivia, Brazil, Colombia, Ecuador, Peru and Panama. Argentina, Venezuela, Barbados and Trinidad and Tobago also participate in some of the components of the project.

The project's objectives have also been achieved by supporting the Police Community of the Americas (AMERIPOL), notably by setting up national AMERIPOL units in each beneficiary country and encouraging their embedment in national structures. The recent launch of a pilot Information Exchange System (SIPA) contributes to the secure exchange of information between the six current beneficiary countries and is bound to substantially contribute to effective law-enforcement cooperation at regional level and at the international one (i.e. potentially with EUROPOL and INTERPOL in the longer term).

More specifically, the implementation will include the following activities:

- Strengthening AMERIPOL National Units (e.g. skills, enhance the exchange of information (e.g. AMERIPOL (SIPA system) but also with INTERPOL (I-24/7 system) and EUROPOL (SIENA system), visibility, and the opening of new ones, as appropriate;
- Revising/improving the existing MoUs between AIAMP⁴³ and AMERIPOL-EU (signed in 2011);
- Implement the Letter of Intent between EUROPOL and AMERIPOL signed in 2014;

- Encourage the set-up of Joint investigation team within AMERIPOL, in particular to gain mutual trust, experiences, knowledge, seeking the establishment of interpersonal relationships and overcoming cultural differences (on the model of EUROPOL-EUROJUST).

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to FIIAPP. Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because the continuity in the EU action since 2010 is crucial and the action has specific characteristics, also linked to the EU internal security, requiring a specific type of beneficiary for: its specific characteristics, technical competence and experience on international police cooperation and secured system. The EU internal security and global security are mutually dependent and interlinked (Article 190(1)(c) and (f) RAP).

(c) Essential selection and award criteria

The essential selection criteria are financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 80%.

In accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012, if full funding is essential for the action to be carried out, the maximum possible rate of co-financing may be increased up to 100 %. The essentiality of full funding will be justified by the Commission's authorising officer responsible in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to conclude the grant agreement

Fourth trimester of 2016.

5.3.1.4 Grant: direct award to INTERPOL (direct management)

(a) Objectives of the grant, fields of intervention, priorities of the year and expected results

The grant would substantially contribute to pillar I of the programme and would entail the involvement of this organisation for capacity-building, cooperation on the different types of Notices, as well the promotion of the interoperability of systems between Police data in electronic format produced by law enforcement agencies and AMERIPOL National Units (SIPA) with INTERPOL's secure global police communication system – I-24/7.

More specifically, the implementation will include the following activities:

- Participation in capacity-building considered relevant for international police cooperation (e.g. forensics, databases and data exchanges, criminal intelligence analysis, cybercrimes);
- Cooperation on the different types of Notices (international requests for cooperation or alerts allowing police in member countries to share critical crime-related information) and monitoring. For instance, in the case of Red Notices, the persons concerned are wanted by

national jurisdictions for prosecution or to serve a sentence based on an arrest warrant or court decision. INTERPOL's role is to assist the national police forces in identifying and locating these persons with a view to their arrest and extradition or similar lawful action;

- Promote, for the long term perspective, the interoperability of systems between Police data in electronic format produced by law enforcement agencies and AMERIPOL National Units (SIPA) with INTERPOL's secure global police communication system – I-24/7. A minimal level of data standardization and data protection should be agreed among participating countries in order to allow harmonious data exchange.

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to INTERPOL. Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because the action has specific characteristics, also linked to the EU internal security, requiring a specific type of beneficiary for its technical competence; INTERPOL is highly specialised and provides consolidated technical experience on international police cooperation, also essential because the EU internal security and global security are mutually dependent and interlinked (Article 190(1)(c) and (f) RAP).

(c) Essential selection and award criteria

The essential selection criteria are financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for this grant is 80%.

In accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012, if full funding is essential for the action to be carried out, the maximum possible rate of co-financing may be increased up to 100 %. The essentiality of full funding will be justified by the Commission's authorising officer responsible in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative trimester to conclude the grant agreement

Fourth trimester of 2016.

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

In accordance with Article 8(3) of Regulation (EU) No 236/2014 and with regard to the cross-border nature of this action, the Commission decides that natural and legal persons from

Caribbean ACP countries shall be eligible for participating in procurement and grant award procedures⁴⁴. The supplies originating there shall also be eligible.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realization of this action impossible or exceedingly difficult.

5.5 Indicative budget

	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
Direct management – grant / – Call for proposals	16,000,000	
Direct management – direct award grant to FIIAPP	3,000,000	
Direct management – direct award grant to INTERPOL	1,000,000	
Total	20,000,000	

The budget has been tailored according foreseen activities, taking into account the three different components.

5.6 Organisational set-up and responsibilities

To better address the main areas of action and the different Latin American countries involved, a proposal having taking into account a broader number of contributors to the implementation of this programme (being called stakeholders, operating partners, partners, collaborators, etc.) shall be positive assessed. Further details will be defined in the call for proposals document.

The responsibilities of the grant beneficiary will include:

- a. The following responsibilities related to the preparation of the Programme:
 - To define support actions and projects jointly with the beneficiary institutions;
 - To formulate the terms of reference for these actions;
 - To identify the most appropriate bodies/experts/institutions for the transfer of their know-how;
 - To follow-up and accompany the implementation of the actions;
 - To organise events of strategic dimension in order to deepen and extend the dialogue on Rule of Law and Citizen Security in the LA region;
 - To formulate the communication and visibility strategy.
- b. The following responsibilities related to the implementation of the Programme:

- To draft the methodology and the mix of support actions and projects geared towards the achievement of sustainable results;
- To assign the executive tasks of each intervention to the most suitable institutions in the Consortium, taking into account the required profile specified in the terms of reference. All the potentially interested public institutions in the LA region and the EU could be invited to participate, even if they are not members of the consortium;
- To set up a system of indicators in order to follow up the actions and measure the results;
- To reinforce the collaborative links among the public administrations of both regions (LA-EU);
- To collaborate with the Coordination area on the transversal actions and on the dissemination of good practices and the results of the programme.

In order to guarantee the global strategic orientation of the programme, the European Commission will create and chair a "Steering Committee". This Committee will be composed of DGs DEVCO, HOME and JUSTICE, as well as the EEAS and will also be tasked with issuing opinions and recommendations on the Annual Action Plans submitted by the executing entity, ensuring the relevance of the indicators measuring the results of the Programme as well promoting synergies between the Continental Programme and the programmes of bilateral and regional/trans-regional cooperation of the EU and its Member States and coordination with the programmes and projects financed by other donors.

The implementation modalities and the requirements to be respected by the grant beneficiary will be developed in a document which will detail, in particular, the following concepts already mentioned in this Action Document:

- Demand-driven approach;
- Participation of the European Commission to the programming and decision making;
- Ex ante approval by the European Commission of the programming and of the main decisions;
- Interrelationships between the programming/coordination and the implementation phases;
- Possibility to participate in the activities of the Programme for all LA region countries and all the EU Member States;
- Establishment of permanent communication channels directed to the Member States regarding the Programme activities;
- Following up and control competencies of the European Commission and of the Steering Committee.

5.7 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action,

difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) or the list of result indicators (for budget support). The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

The Programme's Coordination will propose an internal monitoring system and formulate a methodology for the evaluation *in itinere*.

The monitoring will include a structured observation and documentation activities which will evaluate the Programme from the point of view of its performance (i.e., implementation process) and its results. The monitoring will provide information to enrich the evaluation *in itinere* which will also use other evaluation tools, for example, focal groups, field visits, EU-Latin American Council, etc.

The objective of the evaluation *in itinere* will be to support the decision-making process during the implementation of the Programme, making relevant corrections and adjustments formulated on the basis of the analysis and valorisation of the Programme's actions, results and developing processes. The evaluation methodology will include performance indicators associated both to the Programme's objectives and its actions. The coordination unit will produce periodical evaluation reports which will be presented to the European Commission. The monitoring system and the evaluation *in itinere* will serve as inputs for the external evaluations of the Programme.

5.8 Evaluation

Having regard to the nature of the action, a mid-term and a final evaluation will be carried out for this action via independent consultants.

A **mid-term evaluation** will be carried out for problem solving, learning purposes, in particular with respect to measures to ensure the correct and efficient implementation of the action.

A **final evaluation** will be carried out for accountability and learning purposes at various levels (including for policy revision).

The Commission shall inform the implementing partner at least one month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and *inter alia* provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.5 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) ¹

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action without an amendment to the financing decision. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for listing the activities as well as new columns for intermediary targets (milestones) when it is relevant and for reporting purpose on the achievement of results as measured by indicators.

	Intervention logic	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
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¹ Mark indicators aligned with the relevant programming document mark with '*' and indicators aligned to the EU Results Framework with '**'.

Overall objective: Impact	To contribute to the strengthening of the Rule of Law and enhance Citizen Security in Latin America.	<p>Extent to which relevant institutions (i.e police, law enforcement agencies, judiciaries and ministries of justice/security) are able to fight transnational organised crime engaging in both inter-institutional and international cooperation in Latin America and with the EU.</p> <p>Extent to which penitentiary staff is able to improve the administrative and management capacity as well as the treatment of vulnerable groups, in full respect of Human Rights.</p>	To be detailed during inception phase	To be detailed during inception phase	<p>Official statistical data provided by the Public Ministries, Ministries of Justice, Law-enforcement agencies and Penitentiary Systems of partner countries.</p> <p>National, regional and international thematic surveys/studies/publications.</p> <p>Regular Programme's reports.</p> <p>UNDP Human Development Reports.</p>	<p>Partner countries will be ready to cooperate and to join sub-regional and regional forms of cooperation.</p> <p>Partner countries will ensure sustainability and durability to the programme by making available the necessary human, financial and material resources.</p>
Specific objective: Outcome	1. Improved capacity of police forces/Law Enforcement agencies to conduct joint investigations /operations at regional level and collect, handle and analyse evidence for successful prosecutions;	<p>Number of joint operations on organised crime cases involving at least 2 Latin American countries.</p> <p>Number of Joint Investigation Teams (JIT) carried out.</p> <p>Quantity of illicit money decommissioned (recovery assets) as a result on money-laundering-related financial transactions.</p>	To be detailed during inception phase.	To be detailed during inception phase.	<p>Official statistical data provided by the Public Ministries, Ministries of Justice, Law-enforcement agencies and Penitentiary Systems of partner countries.</p> <p>National, regional and international thematic surveys /studies.</p>	<p>Participating States will consider ratifying or acceding to international and sub-regional legal instruments and implement them into their domestic jurisdiction.</p> <p>Sustained political will and fight against corruption</p>

	<p>2. Improved capacity of the AMERIPOL entity to enhance police cooperation against transnational organised crime at regional level and to liaise with INTERPOL and EU specialised agencies (EUROPOL and EUROJUST);</p>	<p>Number of Gender-based approach capacity-building for Law Enforcement Agencies.</p> <p>Number of countries joining the existing AMERIPOL entity (including the opening of new national units) and accessing to the SIPA information system.</p> <p>Number of joint operations conducted within AMERIPOL.</p> <p>Better implementation of the existing MoUs.</p> <p>Number of cooperation on the different type of (INTERPOL) Notices and Notices published thanks to the Programme.</p> <p>Number of Joint Investigation Teams (JIT) carried out.</p> <p>Number of new strategic and/or operational agreements negotiated between EUROPOL/DG HOME and Latin American countries.</p> <p>Cooperation mechanisms or number of permanent point of contact established between EUROJUST and LA countries.</p> <p>Number of study visits at</p>			<p>Regular Programme's reports.</p> <p>UNDP Human Development Reports.</p>	<p>are essential prerequisites.</p> <p>Close cooperation and coordination with the relevant stakeholders, including EU Member States and EU Delegations and some bilateral EU funded-projects/programmes on Security/Justice/Penitentiary, in participating countries is crucial in order to address and mitigate all these risks.</p>
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		EUROPOL and EUROJUST HQ by relevant police and law enforcement agencies of LA countries.				
	3. Strengthened capacity of law enforcement agencies to apply relevant legislation on cybercrime and to address the trans-border nature of such crimes through an enhanced international cooperation in this area;	<p>Number of national pieces of legislation based on the relevant Conventions on cybercrime implemented by relevant institutions.</p> <p>Number of cybercrime criminal investigations carried out.</p> <p>Number of computer-related offences against children, against child sexual abuse online - criminal investigations carried out.</p>				
	4. Enhanced capacity of the judiciary system to prosecute and adjudicate organised crime cases at regional level, ensuring a more effective extradition procedures and mutual legal assistance and that criminal justice responses are evidence-based and fully compliant with Rule of Law and international	<p>Number of Rogatory Letters in the framework of Mutual Legal Assistance (MLA) submitted and executed among partner countries.</p> <p>Number of extraditions submitted/completed in organised crime-related cases.</p> <p>Number of trainings for justice operators on Mutual Legal</p>				

	standards;	<p>Assistance-related subjects.</p> <p>Number of successful criminal prosecutions on organised crime cases.</p> <p>Number of Joint Investigation Teams (JIT) carried out.</p>				
	<p>5. Contribute to enhanced legal framework and strengthened related platforms/networks allowing for stronger regional and inter-continental (LA-EU) cooperation for criminal justice and law enforcement officials on organised crime cases, also based on best practices in Latin America and the EU;</p>	<p>Number of LA countries having ratified the UN Palermo, UNCAC and Narcotics Drugs Conventions.</p> <p>Number of national pieces of legislation based on UN Palermo, UNCAC and Narcotics Drugs Conventions passed by Congress/Parliament.</p> <p>Number of national pieces of legislation based on the UN Palermo, UNCAC and Narcotics Drugs Conventions (including Conventions on cybercrime) implemented by relevant institutions.</p> <p>Number of concrete judicial cooperation, extraditions, MLA cases conducted thanks to the relevant networks or platforms (e.g. IberRed, AIAMP).</p>				

		<p>Better implementation of the existing MoUs (e.g IberRed-EUROJUST; IberRed-EJN).</p> <p>Number of presentations organised to present and explain the EU legal framework in Justice and Home Affairs.</p>				
	<p>6. Enhanced capacities to cooperate in organised crime criminal investigations in Central America, including through the implementation of a Common Arrest Warrant among SICA Member States.</p>	<p>Number of SICA Member States having signed the Common Arrest Warrant agreement.</p> <p>Number of SICA Member States having ratified the Common Arrest Warrant agreement.</p>				
	<p>7. Contribute to a modernised legal and administrative framework of the penitentiary system and improvement in the management of prisons according to Human</p>	<p>Number of technical training for the Penitentiary System staff.</p> <p>Number of gender-related capacity-building activities and training for the Penitentiary System staff.</p>				

	<p>Rights and best practices in Latin America and the EU;</p> <p>8. Increased involvement of criminal justice actors in regional efforts to counter organised crime by promoting best practices and information exchanges.</p>	<p>Number of national pieces of legislation reforming /improving the penitentiary system implemented by relevant institutions.</p> <p>Number of Thematic Task Forces and Working Groups established.</p>				
Outputs	<p>Number of operational manuals/protocols for justice operators on criminal prosecution related to organised crime cases (multiple subjects).</p> <p>Number of operational protocols addressing violence against women and femicide.</p> <p>Number of prison system data management software developed.</p>		To be detailed during inception phase.	To be detailed during inception phase.		

REFERENCES

¹ See the 2001 OECD/DAC Guidelines: Helping Prevent Violent Conflict; the revised 2004 guidelines on Security System Reform and Governance: Policy and Good Practice or the SSR Handbook in 2007.

The EU considers that the concept of Security goes beyond the territorial integrity of States and institutions, to include the status of people, with the State being obliged to support human wellbeing, sound public policy and good governance. This is reflected in the concept of "Human Security", where the objectives of development, democracy, human rights, good governance and security are intertwined.

² Besides: In a resolution of 12 June 2012 on defining a new development cooperation with Latin America (2011/2286(INI)), the European Parliament clearly links social cohesion and the fight drugs and violence in the new DCI, noting the importance of supporting "the governance and institutional structure of the state, which is threatened by violence and insecurity" and linking violence in Latin America (some of the countries in Latin America are among the most violent in the world) with "criminality associated with phenomena such as drug trafficking and organized crime, money-laundering, arms-trafficking and corruption, continues to be a serious problem in the region, posing a threat to its development".

Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, Annex I, point B. Specific Areas of Cooperation per Region, I. Latin America, Particular consideration shall be given to the areas described below:

(b) addressing governance issues and supporting policy reforms, in particular in the areas of social policies, public finance management and taxation, security (including drugs, criminality and corruption), reinforcement of good governance, public institutions at local, national and regional levels (including through innovative mechanisms for the provision of technical cooperation, e.g. Technical Assistance and Information Exchange (TAIEX) and twinning), protection of human rights, including those of minorities, indigenous peoples and afro-descendants, respect for the core labour standards of the international Labour Organisation (ILO), environment, the fight against discrimination, the fight against sexual, gender-based and child violence and the fight against the production, consumption and trafficking of drugs; [...]

(e) assisting Latin American States to fulfil their obligation of due diligence in the prevention, investigation, prosecution, sanction and reparation of and attention to femicide; [...]

(g) addressing the security-development nexus; [...]"

The draft regional MIP for LA 2014-2020 confirms that these objectives should be addressed under the DCI. The Commission has adopted the Multiannual Indicative Programme for Latin America for the period 2014-2020, point I.2 of which provides for the following priorities: security-development nexus; good governance, accountability and social equity; [...]. This responds also to the outcomes of the consultation with the LA partner countries and the civil society. The EP (DEVE committee) insisted on this aspect as well (democratic scrutiny).

See also the 2015 EU Report, "Policy Coherence for Development", SWD(2015) 159 final, 3.8.2015.

³ See Council Conclusions on a transformative post-2015 agenda, General Affairs Council meeting, 16 December 2014, §14 and Council Conclusions "A New Global Partnership for poverty eradication and sustainable development after 2015", FAC (Development), 26 May 2015, §6, 11, 26. The new Agenda recognizes the need to build peaceful, just and inclusive societies, based on respect for human rights (including the right to development), the rule of law and effective and accountable institutions. These are fundamental requirements for the achievement of sustainable development. Factors which give rise to violence, insecurity and injustice, such as corruption and poor governance, are addressed in the Agenda. See "Transforming our world: the 2030 Agenda for global action – final draft of the outcome documents for the UN Summit to adopt the Post-2015 Development Agenda", 8 July 2015, §30.: "Sustainable development cannot be realized without peace; and peace will be at risk without sustainable development. The new Agenda recognizes the need to build peaceful, just and inclusive societies that provide access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and on effective and accountable institutions. Factors which give rise to violence, insecurity and injustice, such as corruption, poor governance and illicit financial and arms flows, are addressed in the Agenda [...]" ; see in particular Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

⁴ As also stated in Article 66 of the CELAC Summit's Havana Declaration of January 2014: "[...] crime and violence are an obstacle for the full development of Latin America and the Caribbean and we stress the need for a regional consensus on public safety vision with a human development approach [...]". Between 2000 and 2010, the murder rate in Latin America grew by 11 percent, whereas it fell or stabilised in most other regions in the world. In the last decade, more than one million people have died in Latin America and the Caribbean as a result of criminal violence (UNDP, 2013-2014).

⁵ In the past decade, Latin America managed to lift more than 70 million people out of poverty while expanding the middle class by more than 50%. But among the core demands of LAC's rising middle class, there is Security. While addressing these newfound expectations, the region is also facing the challenge of a large part of the population, which remains "chronically poor" - 130 million people, according to a recent study (World Bank).

⁶ See the EU Strategy on Citizen Security in Central America and the Caribbean and its Action plan.

⁷ The Caribbean Human Development Report on Citizen Security (UNDP 2012) stated that violence and crime in the Caribbean and Latin America erodes the foundation of the democratic processes in the region and imposes high social, economic and cultural costs, and although these sub-regions are home to 8.5 percent of the world's population, it concentrates some 27 percent of the world's homicides. A report on Human Development in Central America issued by UNDP in 2009, highlighted that the "Northern Triangle" of Central America (Guatemala, El Salvador and Honduras) has become the region with the highest levels of non-political crime worldwide. According to the UNODC, Honduras had the highest homicide rate in the world in 2012. In Salvador, homicides have reached unprecedented levels with an average of 29 homicides per day in August 2015. It carried a sense of emergency in terms of public security rarely experienced in the last few years with increased murder rates, a large part of the population affected (including businesses, institutions, schools, etc.), and further negative effects on the economy (EU Delegation). In the recent months, Honduras and Guatemala have experienced their own springs of discontent, as citizens grow tired of ongoing violence and corruption, and head out to join a protest movement organised, not through traditional channels, but via the social networks. The budding protest movements have been building up the tension in Central America, but at the same time could sprout the beginnings of a new era.

⁸ Growth in Latin America and the Caribbean slowed in 2014 (1.3 percent) and in 2015 (IMF, World Economic Outlook, April 2015). A modest recovery is expected in 2016 (IMF, October 2015). In recent years regional economies have been experiencing low growth averages, of about 2%-2.5% of GDP, – far from the robust expansion of 2003-2012 which clocked rates of over 5%, well above other emerging markets and the G7 countries.

⁹ United Nations Office on Drugs and Crime, "Estimating illicit financial flows resulting from drug trafficking and other transnational organised crime", October 2011.

¹⁰ OECD (CleanGovBiz initiative), 2014: Overall, corruption reduces efficiency and increases inequality. Estimates show that the cost of corruption equals more than 5% of global GDP (US\$ 2.6 trillion, World Economic Forum) with over US\$ 1 trillion paid in bribes each year (World Bank).

¹¹ Organised crime, in its many and varied forms, has been shown to threaten political, economic and social development: it can foster violence and corruption, undermine the rule of law, good governance and the democratic process; it can jeopardise economic growth and poverty reduction, and pose significant risks to public health and environmental sustainability. Successful organised crime groups often consist of a durable core of key individuals. Around them is a cluster of subordinates, specialists, and other more transient members, plus an extended network of associates. Many groups are often loose networks of criminals that come together for a specific criminal activity, acting in different roles depending on their skills and expertise. Collaboration is reinforced by shared experiences (such as prison), or recommendation from trusted individuals. Others are bonded by family or ethnic ties (NCA). See also "Development responses to organised crime: An analysis and programme framework", Global Initiative against Transnational Organised Crime, March 2016.

¹² Global report on trafficking in persons, 2014: http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP14_Country_profiles_South_America.pdf. The region has established strong regional intergovernmental mechanisms to eradicate gender violence: all the countries have signed the UN Convention on the Elimination of All Forms of Discrimination against Women, although only 14 the optional protocol, the Inter-American Convention for the Prevention, Sanctioning and Eradication of Violence against Women, The Convention of Belém do Pará, as well as the Inter-American Human Rights system. Most Latin American countries have established laws against human trafficking, and have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. While the passing of legislation that's more in line with international human rights standards is a step forward, the region still needs to confront the alarming level of impunity for perpetrators of all forms of violence, especially against women, femicide is still not classified as a criminal offence in many countries. Although information and data to measure violence against women is available in a growing number of countries, but gaps remain (mainly due to scarce and disparate statistical information).

¹³ In light of the increasing reliance of modern societies, including in Latin America, on information and communication technologies (ICTs), the economic potential of ICTs is considered a matter of national interest. For developing and graduating countries, ICTs offer not only economic development opportunities but facilitate

human development and democratic governance. Latin America is rapidly becoming a major component of the global Internet community with 43% penetration, growing by 1300% in 10 years. However, the growing reliance on ICTs is also coupled with the potential vulnerability to threats such as cybercrime. The main challenge throughout developing and maturing countries clearly is the capacity to apply legislation on cybercrime and electronic evidence in practice. In some States, specialised cybercrime units have been established within law enforcement services but their capacities, in particular with regard to computer forensics, are very limited. This is also true with regard to the cooperation between such units within regions and to their cooperation with cybercrime units in Europe and other regions. In most States, skills of prosecutors and judges to apply legislation and to prosecute and adjudicate cases of cybercrime or involving electronic evidence are close to non-existent. For this reason, there are shortcomings in effectively engaging in international judicial cooperation on cybercrime and electronic evidence. See UNDP, Human Development Report - The rise of the South, 2013 and EUROPOL, The Internet Organised crime Threat Assessment (iOCTA) 2014.

¹⁴ See also "Study on EU Support to Justice and Security Sector Reform in Latin America and the Caribbean", commissioned by the European Commission, DG DEVCO, 2013. But to bear in mind that any attempt to describe the phenomenon of organised crime in its real dimension and complexity is extremely difficult.

¹⁵ More estimates exist on the value of criminal markets. The global drug trade generated USD 321 billion in 2005 according to the UN. Trafficking in human beings is globally worth USD 42.5 billion per year according to the Council of Europe. The global market in counterfeit goods was estimated at up to USD 250 billion per year by the OECD.

¹⁶ See for instance events in the prison of Quetzaltepeque in El Salvador in August 2015 where 14 prisoners were found dead by their guards. Since 2004 in Salvador, prisoners are separated according to their gang allegiances. In some countries, it has allowed gangs to win control over prisons and to convert them into genuine headquarters for organised crime.

¹⁷ "Study on judicial cooperation, mutual legal assistance and extradition of drug traffickers and other drug-related crime offenders, between the EU and its Member States and Latin American and Caribbean (LAC) countries", commissioned by the European Commission, DG Justice, 2013.

¹⁸ In February 2015, the XVII High-Level Meeting of the EU-CELAC Coordination and Cooperation Mechanism on Drugs, held in Uruguay, adopted the "Montevideo Declaration", which mentioned in its §36 "[...] WE ARE COMMITTED to strengthening judicial cooperation and mutual legal assistance to better identify, investigate, prosecute and sanction individuals and organisations engaged in money laundering and other drug-related criminal activities in accordance with national and international legal frameworks including, where possible, the seizure and recovery of the assets involved [...]".

The Brussels Declaration "Shaping our common future: working together for prosperous, cohesive and sustainable societies for our citizens" adopted during the EU-CELAC Summit in June 2015, recognised in its § 12. "[...] that transnational organised criminal activities may, in some cases, threaten the stability and security of States, weaken the rule of law, governance systems, national economies and their development, and Human rights. In this regard, we vow to continue implementing, as appropriate, concrete actions, aimed at strengthening, inter alia, law enforcement cooperation, mutual legal assistance, trans-border intelligence sharing, in order to dismantle criminal organizations, all within the full respect for human rights and international law [...]". The §13 underlined that Citizen Security is a shared concern, and "we undertake to promote our dialogue on this subject and to explore opportunities to enhance our cooperation, with full respect for sovereignty and domestic legislation and according to national priorities [...]".

During the VI EU-CARIFORUM High Level Meeting, "The Leaders recognised the importance of social and economic development to the attainment of citizen security. They acknowledged the European Union Strategy on Citizen Security in Central America and the Caribbean as an important contribution to the further promotion of regional and international cooperation in this field. [...] They welcomed the collaborative approach of the European Union to its cooperation and engagement with both regions on the enhancement of citizen security. They agreed to consider partnering with Leaders from Central America to address the security threats which the Caribbean and Central America both face, as well as their root causes. They took note of the advances by the EU in defining its Lines of Action on the European Union Strategy on Citizen Security, which was presented by the European Union and discussed the next steps for strengthening the cooperation and for exploring with the Caribbean the convening of a high-level Central America-Caribbean meeting on Citizen Security, with the support of the European Union".

¹⁹ The EU-CELAC Action Plan contains a new Chapter 10 on Citizen Security, identifying also instruments and activities which, if properly implemented, should lead to concrete results in this key area.

²⁰ Some countries with declarations and reservations made upon ratification, acceptance, approval or accession of the Convention.

²¹ The three Protocols target specific areas and manifestations of organised crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Countries must become parties to the Convention itself before they can become parties to any of the Protocols.

²² Besides: In a resolution of 12 June 2012 on defining a new development cooperation with Latin America (2011/2286(INI)), the European Parliament clearly links social cohesion and the fight drugs and violence in the new DCI, noting the importance of supporting "the governance and institutional structure of the state, which is threatened by violence and insecurity" and linking violence in Latin America (some of the countries in Latin America are among the most violent in the world) with "criminality associated with phenomena such as drug trafficking and organized crime, money-laundering, arms-trafficking and corruption, continues to be a serious problem in the region, posing a threat to its development".

Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, Annex I, point B. Specific Areas of Cooperation per Region, I. Latin America, Particular consideration shall be given to the areas described below:

(b) addressing governance issues and supporting policy reforms, in particular in the areas of social policies, public finance management and taxation, security (including drugs, criminality and corruption), reinforcement of good governance, public institutions at local, national and regional levels (including through innovative mechanisms for the provision of technical cooperation, e.g. Technical Assistance and Information Exchange (TAIEX) and twinning), protection of human rights, including those of minorities, indigenous peoples and afro-descendants, respect for the core labour standards of the international Labour Organisation (ILO), environment, the fight against discrimination, the fight against sexual, gender-based and child violence and the fight against the production, consumption and trafficking of drugs; [...]

(e) assisting Latin American States to fulfil their obligation of due diligence in the prevention, investigation, prosecution, sanction and reparation of and attention to femicide; [...]

(g) addressing the security-development nexus; [...]"

The draft regional MIP for LA 2014-2020 confirms that these objectives should be addressed under the DCI. The Commission has adopted the Multiannual Indicative Programme for Latin America for the period 2014-2020, point I.2 of which provides for the following priorities: security-development nexus; good governance, accountability and social equity; [...]. This responds also to the outcomes of the consultation with the LA partner countries and the civil society. The EP (DEVE committee) insisted on this aspect as well (democratic scrutiny).

See also the 2015 EU Report, "Policy Coherence for Development", SWD(2015) 159 final, 3.8.2015.

²³ AMERIPOL-EU has been extended in December 2015 under the DCI for nine months.

²⁴ Excluding social rehabilitation as it is already dealt by the EUROsociAL programme and in different bilateral projects in the region.

²⁵ As indicated in the recommendations of the 2011 JSSR thematic evaluation, support should be result-oriented and based on realistic objectives, which are achievable according to the regional context, the political will of authorities the interests of stakeholders, the services to be delivered, and available time and financial resources. Ultimately, the focus on results implies the need to measure EU cooperation in terms of the improvement of the lives of citizens, while addressing the constraints affecting service delivery and securing local knowledge during the design phase.

²⁶ See for instance: "HOW MANY MORE? 2014's deadly environment: the killing and intimidation of environmental and land activists, with a spotlight on Honduras", Global Witness, April 2015. New report shows killings of environmental activists are increasing, with indigenous communities hardest hit. In 2014, 116 cases of killings of land and environmental defenders in 17 countries (on average more than two victims per week and almost double the number of journalists killed in the same year). Around three-quarters of these deaths took place in Central and South America. Brazil is the worst-hit country, followed by Colombia, the Philippines and Honduras.

²⁷ In Peru, the EU supports the implementation of the Peruvian Anti-Drug Strategy with a budget support programme of € 32.2 million. An important component is focusing on law enforcement and integral and efficient management of drugs offer control and illicit drugs traffic reduction, implemented by means of a grant awarded directly to a consortium of competent services and bodies from EU Member States (France, Germany, Spain and UK). In Bolivia, the Annual Action Programme 2015 foresees the funding of the Sector Reform Contract "Programa de Apoyo al Plan de Acción para implementar la Estrategia de la Lucha contra el Narcotráfico y la

Reducción de Cultivos Excedentarios de Coca (ELCNyRCEC)" with a total amount of EUR 60 million. This Project should start in the coming months. In Central America, the programme will have to coordinate and liaise with the SEJUST programme in Guatemala, the EUROJUSTICIA programme implemented in Honduras, PROSEC in Costa Rica, the Project dealing with organised crime in Nicaragua and the project SECOPA in Panama. Coordination will involve national relevant institutions responsible for implementation (e.g. Instancia Coordinadora de la Modernización del sector Justicia in Guatemala, the Poder Judicial in Honduras) under indirect management modality, as well as technical assistance teams.

²⁸ The Iberoamerican Association of Public Prosecution Offices from the following countries: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Chile, Cuba, Ecuador, El Salvador, Spain, Guatemala, Honduras, Nicaragua, Mexico, Panama, Paraguay, Peru, Portugal, Dominican Republic, Uruguay and Venezuela.

²⁹ Even though the problem of violence against women is being observed and fervently denounced in Latin America, this effort is still insufficient as its eradication depends on the implementation of comprehensive State policies. The situation is particularly serious in Central America with an increasing of violence against women and a rising number of femicides. The high rates of impunity are mainly due to inadequate interpretation and application of procedural standards, absence of investigation or sanction of officers who hinder or obstruct the access to justice by female victims, non-existent or poor use of special investigative methods in the cases of violent deaths committed by criminal organizations, which in some countries are committing femicides at alarming rates.

³⁰ A Joint Investigation Team (JIT) is an investigation team consisting of judges, prosecutors and law enforcement authorities, established for a fixed period and a specific purpose by way of a written agreement between two or more EU Member States and/or competent authorities, to carry out criminal investigations in one or more of the involved States. Non EU Member States may participate in a JIT with the agreement of all other parties. JITs set up between EU Member States and third States: JITs can be set up with and between countries outside of the EU, provided that a legal basis for the creation of such JITs exists. The legal basis can take the form of:

- An international legal instrument,
- A bilateral Agreement,
- A multilateral Agreement,
- National legislation (e.g. Article(s) of the Code of Criminal Procedure).

Among the international legal instruments already available to provide a suitable legal basis for a JIT between an EU Member State and a third State, there are the UN Convention against Transnational Organised Crime, 15 November 2000 (Article 19), the UN Convention against Corruption, article 49 and the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (article 9.1 c). Provisions of these UN instruments are only "enabling clauses", leaving a large amount of room for specific discussions between States willing to set up a JIT. Reciprocity could also serve as a basis.

The concept of JITs arose from the belief that existing methods of international police and judicial cooperation were, by themselves, insufficient to deal with serious cross-border organised crime. It was felt that a team of investigators and judicial authorities from two or more States, working together with clear legal authority and certainty about the rights, duties and obligations of the participants, would improve the fight against organised crime.

For instance, Peru, Colombia and Brazil have successful joint operations twice a year in the Amazonian Trapeze. Recently, Peru and Bolivia agreed to step forward on cross-border collaboration to tackle narco-trafficking, asset laundering, corruption, smuggling, people trafficking and illegal mining and to increase joint interdiction operations. This EU regional programme could further support this endeavour, notably including through AMERIPOL.

³¹ The "phased approach" proposed might exceed the duration of the implementation period. Therefore, some activities might be implemented in a - potential - second phase.

³² Cybercrime commonly refers to a broad range of different criminal activities where computers and information systems are involved either as a primary tool or as a primary target. Cybercrime comprises traditional offences (e.g. fraud, forgery, and identity theft), content-related offences (e.g. on-line distribution of child pornography or incitement to racial hatred) and offences unique to computers and information systems (e.g. attacks against information systems, denial of service and malware), see "Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace", JOIN(2013) 1 final, 7.2.2013.

³³ The cost of cybercrime represents 0.17% of GDP for Mexico and 0.32% of GDP for Brazil. According to some calculations, the cost of cybercrime worldwide is US\$575 billion a year, which represents 0.5% of the

global GDP. That is almost four times the annual donation for international development. In LAC, we face a cost equivalent to US\$90 billion a year due to this kind of crime (cf. *Cybersecurity Are We Ready in Latin America and the Caribbean? 2016 Cybersecurity Report*, Inter-American Development Bank, in partnership with the Organisation of American States (OAS), March 2016). See also the relevant know-how of OAS/REMJA on cybercrime.

³⁴ Meetings of Ministers of Justice or Other Ministers or Attorneys General of the member states of the OAS with responsibilities in the area of international legal cooperation, in particular criminal matters.

³⁵ In the LA region there is a lack of actions among different stakeholders involved in the regulation of the Internet and the protection of children from all forms of sexual exploitation. Regulation of child pornography is steadily being expanded to include the Internet. But little or no coordination exists between countries in designing and implementing bilateral or multilateral measures against sexual exploitation. In many States, laws do not adequately define and criminalize the various forms of sexual exploitation of children and adolescents in accordance with applicable international standards, therefore hindering the effective protection of children as well as the prosecution of these crimes. Several international conventions and organisations highlight the responsibility that governments have to protect children from sexual exploitation, including child pornography. The Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), which were adopted in 1990 and 2002, respectively, require State Parties to criminalise any form of Commercial sexual exploitation of children (CSEC) under their national law, specifically defining "child pornography" as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for sexual purposes".

³⁶ Promote the use of IT tools such as Iber@: Contacts points and Central authorities in Iberoamérica (19 Latin American countries plus Spain, Portugal and Andorra) have access to this secure communication system through which they can exchange information among themselves, and with EUROJUST and the General Secretariat of INTERPOL. IberRed's website has open, public access as well as separate, private access, creating a secure communications system. Iber@ can be used to improve international and national communications.

³⁷ See "Development of a renewed European Union Internal Security Strategy", § 3. Linking Internal-External Security", Justice and Home affairs Council, 4 December 2014; the European Agenda on Security, COM(2015) 185 final, 28.4.2015. The Agenda aims to ensure that the internal and external dimensions of security work in tandem.

³⁸ The protection of persons in relation to the processing of their personal data is a fundamental right laid down in the Charter of Fundamental Rights of the EU (Article 8) and in the Treaty on the Functioning of the European Union (Article 16). The Data protection directive in the field of law enforcement is aimed at protecting personal data processed for prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. It is crucial to ensure a consistent and high level of protection of personal data of individuals while at the same time facilitating the exchange of personal data between law enforcement authorities in the different EU Member States.

³⁹ FIU.net is a decentralised computer network supporting the FIUs in the EU in their fight against Money Laundering and Terrorist Financing. Decentralised meaning, that there is no central database in one specific Member State where all the exchanged data is stored. When sending the information from one FIU to another, the exchanged data is only and safely stored on the FIU.net databases at the premises of the FIUs involved in the exchange. Consequently this creates uniformity in the fight against ML/TF in the EU. FIU.net should be embedded with EUROPOL in the coming months.

⁴⁰ See Banco de Desarrollo de América Latina (CAF), "Por una América Latina más segura. Una nueva perspectiva para prevenir y controlar el delito", 2014. Means 229 prisoners for each 100.000 inhabitant, more than the average at the global level (144 prisoners for each 100.000 inhabitant).

⁴¹ See Draft agreement on strategic cooperation between the Federative Republic of Brazil and the European Police Office (Europol), currently in discussion in the Council.

⁴² Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements, OJEU, L 325, 11.12.2009 and Council Implementing Decision of 6 May 2014 amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements, OJEU L 138, 13.5.2014.

⁴³ The Iberoamerican Association of Public Prosecution Offices from the following countries: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Chile, Cuba, Ecuador, El Salvador, Spain, Guatemala, Honduras, Nicaragua, Mexico, Panama, Paraguay, Peru, Portugal, Dominican Republic, Uruguay and Venezuela.

⁴⁴ Countries therefore eligible are: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

EN

ANNEX 2

of the Commission Implementing Decision on the

Action Document for the Latin American Investment Facility (LAIF)

1. IDENTIFICATION

1. Title/basic act/ CRIS number	Contribution from the general budget of the European Union to the Latin American Investment Facility (LAIF) CRIS number DCI-ALA/2014/037-570 : financed under the Development Cooperation Instrument ¹	
2. Zone benefiting from the action/location	Latin America, Regional	
3. Programming document	Multi-annual indicative regional programme for Latin America 2014-2020; National indicative programme for Ecuador 2014-2020	
4. Sector of concentration/ thematic area	Environment, Agriculture and Rural Development, Private Sector Development, Energy, Water, Transport, ICT, Social Services	
5. Amounts concerned	Total estimated cost: EUR 80 000 000 This action is co-financed by entities and for amounts specified in the indicative project pipeline which is an appendix of this Action Document	
6. Aid modality(ies) and implementation modality(ies)	This action regarding this Regional Blending Facility shall be implemented in indirect management by entities to be indicated in complementary financing decisions to be adopted at the end of the Regional Blending Facilities award procedure	
7. DAC code(s)	<ul style="list-style-type: none"> – 41010 - 23010 – 21010 – 32130 – 16050 - 31110 - 240 	<ul style="list-style-type: none"> – Environmental policy and administrative management; – Energy policy and administrative management; – Transport policy and administrative management; – SME development; – Multisector aid for basic social services; – Agricultural policy and administrative management - Banking financial services including 24040

¹ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020.

	- 14020 -22040	(informal and semiformal financial intermediaries) - Water supply and sanitation - Information and communication technology (ICT)			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective	
	Participation development/good governance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Aid to environment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Trade Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	RIO Convention markers	Not targeted	Significant objective	Main objective	
	Biological diversity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Combat desertification	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Climate change mitigation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Climate change adaptation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Global Public Goods and Challenges (GPGC) thematic flagships					

The purpose of this Action Document is the financing of the Latin American Investment Facility (LAIF) from the general budget of the Union in 2016. The general elements as regards the content, categories of operations (including agriculture and rural development), implementation and governance rules of the Facility established for the period 2014-2020 are set out in the Commission Implementing Decision C(2014)9128 on the LAIF and remain valid to date.

Since its commencement in 2009, the LAIF has provided support to 28 projects. Grants have been approved for a total amount of EUR 232 million and it is estimated that its contribution has succeeded in mobilising around EUR 5.4 billion from financial institutions and a total investment of approximately EUR 6.9 billion.

The total commitment from the general budget of the Union to the LAIF 2009-2013 (EUR 197.7 million) was used (including the fees paid to the lead finance institutions). In 2015, four projects were approved (included in Commission Decision C(2015)5279 and Commission Decision C(2015)5033), for a total of EUR 45.2 million of LAIF grant contributions. Those four projects represent a total investment cost of over EUR 1.6 billion. For 2016 LAIF projects might be approved for an amount that should be twice as much as in 2015.

An important factor for the success of the Facility has been the participation of the regional Latin American development financial institutions which has strengthened the partnership between European and Latin American financial institutions.

LAIF will continue to boost the access to funds from financial institutions, which are supporting key investments in order to support infrastructure development, as well as private

sector development in the region contributing substantially to poverty alleviation throughout the continent.

In order to further improve the effectiveness of blending operations in meeting their policy objectives of poverty reduction and socio-economic development as well as the efficiency of their management including a reduction of transaction costs, blending operations will be managed under the "DCI blending framework", with three facilities covering Asia (AIF²), Central Asia (IFCA³) and Latin America (LAIF). Financing of the DCI blending framework will be possible from DCI Regional and Bilateral Multi-Annual indicative programmes as well as relevant Thematic Programmes.

All projects financed from the EU budget will be aligned to the EU's principles in terms of environmental impact, gender equality, good governance and human rights.

Synergies between the blending facilities and EU funded (regional) climate change capacity building programmes and, where applicable, policy reform instruments including sector budget support should be strengthened. Capacity building programmes should facilitate the identification and formulation of climate relevant projects at country and/or regional level, and support local and regional climate policies. This will strengthen the already ongoing processes of pipeline development and securing local ownership.

1. CONTEXT

Sector/Country/Regional context/Thematic area

In 2009, the EU established the Latin America Investment Facility (LAIF) under the Development Cooperation Instrument (DCI⁴), with a first EU contribution of EUR 10.85 million. A second contribution from the general budget of the Union was approved in July 2010 for an amount of EUR 24 million. In 2011, a contribution was approved for an amount of EUR 40 million. In 2012, a contribution was approved for an amount of EUR 104.5 million for 2012-2013 (EUR 55 million from the 2012 general budget of the Union and EUR 45 million from the 2013 general budget of the Union, amended with supplementary EUR 4.5 million). In 2014, a contribution from the general budget of the Union was approved for an amount of EUR 31.05 million. In 2015, two contributions from the general budget of the Union to LAIF have been approved for a total amount of EUR 42.34 million.

LAIF has also included, since the beginning of 2011, a Climate Change Window (CCW) to support the implementation of projects helping partner countries tackle climate change through mitigation and/or adaptation measures. The LAIF CCW is managed in a streamlined way and has in general the same rules and the same financing and implementation modalities as the LAIF. Based on the pipeline of operations, an endowment of EUR 17.3 million has already been adopted by the Commission in 2011 (C(2011)9538), shared with the Neighbourhood Investment Facility (NIF). Finally, this endowment was integrally used for two projects under LAIF.

The contributions to LAIF are drawn from the regional envelope and can be complemented by funds from other sources such as bilateral envelopes or DCI Thematic Programmes.

² Asian Investment Facility.

³ Investment Facility for Central Asia.

⁴ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020.

The 2016-2017 indicative pipeline of operations (Annex 1) includes 20 projects for total LAIF grant contributions of circa EUR 141.8 million. Therefore, the requested EUR 50 million for 2016 can be considered as justified.

The government of Ecuador, through its Ministry for Foreign Affairs and Human Mobility, has formally addressed on 15th October 2015 to Commissioner Mimica its decision on using NIP resources under the framework of LAIF and align these with the National Plan for Investments. As a consequence, up to EUR 30 million of the NIP are to be attributed to projects in Ecuador.

The Commission adopted in May 2014 a Communication on the Stronger Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries⁵. The Communication sets out the future direction of EU policy and support for private sector development in partner countries. In line with the 'Agenda for Change', it introduces private sector engagement as a new dimension in EU development policy and cooperation and proposes concrete actions in areas where the Commission believes it can add value and effectively complement actions by Member States and other development partners, including through the use of blending.

In order to achieve the objectives of the Regulation (EU) No 233/2014 and the Regional indicative programme "2014-2020" for Latin America under the DCI⁶, bilateral and regional financial assistance will promote policies development, capacity building and modernisation measures by the partner countries. Important capital investments must be made inter alia to rehabilitate, modernise or build essential infrastructures needed for a low-carbon, efficient and safe production, transport and use of energy and further on for safe and efficient transport of goods and people. It is also vital to progress towards an effective environmental protection, in particular to protect biodiversity and ensure the quality of water, air and soil, and to promote climate change adaptation and mitigation measures. In addition, capital is also needed for the provision of basic social services such as health and education and to develop the private sector, in particular small and medium enterprises (SMEs).

2. DESCRIPTION OF THE ACTION

There are no changes regarding objectives, expected results and indicators compared to those stated under Commission Implementing Decision C(2014)9128 for the 2014 commitment to LAIF.

3. IMPLEMENTATION

The implementation of the LAIF follows the rules and procedures of the European Commission, which are entirely identical to the ones presented in the 2014 Action Document for LAIF (Commission Implementing Decision C(2014)9128).

3.1. Financing agreement

In order to implement this action, it may be foreseen to conclude financing agreements with the partner countries, referred to in Article 184(2)(b) of the Regulation (EU, Euratom) No 966/2012.

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0263&from=EN>.

⁶ Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020.

3.2. Indicative operational implementation period

The indicative operational implementation period of this action, during which the activities described in sections 3.2. and 4.3. will be carried out, is 120 months from the date of entry into force of the financing agreement or, when none is concluded, from the adoption of this Action Document, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements. The European Parliament and the relevant Committee shall be informed of the extension of the operational implementation period within one month of that extension being granted.

3.3. Implementation components and modules

3.3.1. DCI Blending Framework

LAIF will operate under the governance of the DCI blending framework.

The operational decision-making process will be organised in a two level structure:

- opinions on projects will be formulated by the Board, held whenever possible back to back with the respective financing instruments' committees (DCI Board);
- such opinions will be prepared in dedicated Technical Meetings.

Strategic orientations will be discussed with beneficiary countries and relevant regional organisations in dedicated strategic meetings. The Commission and the EEAS will conduct and co-chair strategic discussions at an appropriate level with Member States, beneficiary countries and relevant regional organisations. Financial Institutions will participate in the discussions as observers. These strategic discussions will cover

- i. the consistency and compatibility of LAIF's operations with EU Policies, relevant regional or bilateral agreements, Action Plans, Strategy Papers and the Multi-annual Indicative Programmes in force;
- ii. the needs and the evolutions in the various priority support sectors;
- iii. LAIF's effectiveness, results and impact at strategic level.

The Rules of Procedure for the DCI Blending Framework Board further detail the decision making process.

The Board is chaired by the Commission and includes the EEAS and the EU Member States as voting members, and financial institutions (FIs) as observers. The opinion of the Board can be positive, negative or recommend re-submission of the project proposals. FIs will be present mainly for the purposes of presenting their proposals and responding to any request for clarifications on proposals submitted but they will not be present during the formal formulation of opinions by the Board. The part of the meeting where opinions on EU contributions requests are expressed will be restricted only to voting Members. The conclusions including their justifications will be subsequently communicated to the financial institutions in writing.

The Board will also be responsible for:

- Providing guidance to participating institutions on appropriate future financing proposals (based on strategic priorities defined in the context of the programming process and in relevant strategic discussions),

- Monitoring and reviewing the pipeline of projects, based on the results of the discussions at the technical level.
- Examining project related results (including the annual reports) and monitor the portfolio of approved projects.
- Promoting exchanges of best practices.
- Drawing upon the specific expertise of the Finance institutions as appropriate and respect the appropriate division of labour.
- Examining the involvement of non-European FIs as lead financiers on a case by case basis following a targeted approach, based on the specific added value as a lead financier brought in a particular project or region. This would include those aspects in which non-European FIs might contribute to fill the gap left by European FIs, in particular regarding their :
 - a. specific thorough knowledge of local conditions and presence in the region,
 - b. specific analytical capacities and specific expertise and know-how, notably on private sector financing and the promotion of financial instruments and /or of innovative financing tools that attract private funding,
 - c. specific know-how and experience in relevant sectors,
 - d. additional technical and/or financial capacity to substantially leverage further resources.

In accordance with the recommendations made under the EU Platform for Blending in External Cooperation, non-European finance institutions active in a particular region should be invited to attend technical and board meetings as observers.

In principle, the Board would meet two to four times a year, depending on the needs and back to back with the respective financing instruments' committees. When duly justified by time constraints, opinions on projects could be requested by written procedure.

Technical Assessment Meetings (TAMs) chaired by the Commission with the participation of EEAS and Finance Institutions will be held to:

- Review and discuss the pipeline to ensure coordination at an early stage, including in relation to geographical balance and agreed EU political objectives. Results of the pipeline discussion shall be transmitted to the Board.
- Assess project proposals submitted by a so called Lead Financial Institution based on the appropriate application form. The proposal will also be shared with other Financial Institutions for peer review and possible written comments. In particular, such assessment will include alignment to EU policy objectives, the justification of the added value of the grant contribution, social and environmental aspects, appropriate financial structure and other issues such as debt sustainability.
- Facilitate exchanges on best practices across regions, including the possible development of selected blending operations or financial instruments that extend across geographical regions.

Such meetings will be held on a regular basis depending on the needs and will be organised pragmatically bringing together appropriate experts from the FIs, the Commission and the EEAS. If appropriate such meetings may include or be complemented by virtual meetings and/or written exchanges facilitated by the Secretariat. The Lead Financial Institution, on the basis of and depending on the comments made, will then be able to submit a revised proposal for further technical discussions at a later technical meeting or a final revised application form in view of the submission to the Board.

The Commission will ensure the secretariat of the DCI blending framework, supporting the Board in all its tasks (opinions on individual blending operations, internal Commission services/EEAS consultation including SG, SJ, DG ECFIN and DG BUDG, monitoring at facility level, consolidation of the pipeline on the basis of the information provided by the Financial Institutions including a short project description, production of regular up-to-date information and annual reports on the facilities, preparation of exchanges on best practices. It will also support in the organisation of communication events and the general implementation of the communication strategy (websites and other communication tools), thereby contributing to the visibility of the EU. The Secretariat also organises the technical level assessment of proposals and is the central contact point for all stakeholders involved in the blending framework.

3.3.2. Contribution to the Latin American Investment Facility

In accordance with Article 4.1(e) of the Regulation (EU) No 236/2014, this contribution may be implemented through indirect management whenever possible under the lead of the European Investment Bank (EIB) in line with its external mandate under Decision No 1080/2011/EU, a multilateral European financial institution such as the European Bank for Reconstruction and Development (EBRD), or a bilateral European financial institution, e.g. bilateral development banks. These Lead Financial Institutions are not definitively known at the adoption of this Action but are indicatively listed in the appendix of this document. Once they will be known, a complementary financing decision needs to be adopted in order to fulfil all the requirements of Article 84.3 of Regulation (EU, Euratom) No 966/2012.

The Lead Financial Institution will be awarded a contract for an individual operation based on its operational and financial capacity.

The Commission will only entrust budget implementation tasks to Lead Financial Institutions which have been assessed through the pillar assessment pursuant to Article 60 of Regulation (EU, Euratom) No 966/2012, and have transparent, non-discriminatory, efficient and effective review procedures in place.

Certain entrusted entities are currently undergoing the ex-ante assessment in accordance with Article 61(1) of Regulation (EU, Euratom) No 966/2012. The Commission's Authorising Officer responsible deems that, based on the compliance with the ex-ante assessment based on Article 140 of Regulation (EU, Euratom) No 966/2012, they can be entrusted with budget implementation tasks under indirect management.

The entrusted budget-implementation tasks consist of the implementation of procurement, grants and payments. The entrusted Lead Financial Institution shall also monitor and evaluate the project and report on it.

In addition, budget implementation tasks may be sub-delegated by the entrusted entity to the partner country in accordance with 4(7) of Regulation (EU) No 236/2014. The entrusted budget-implementation tasks consist in the implementation of procurement and grants following the rules assessed and approved by the Lead Financial Institution. Payments may be executed by the partner country under the control by the Lead Financial Institution or by the latter.

EU Members states or other donor's contributions to blending operations could be done through a dedicated Fund, which will be integrated in the governance structure described above.

3.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act shall apply.

The responsible authorising officer may extend the geographical eligibility in accordance with Article 9(3) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

3.5. Indicative budget

	Amount in EUR (thousands)	Third party contribution (where known)
Contribution to the Latin American Investment Facility	80 000	
Totals	80 000	

The EU will allocate an indicative budget of €80 million of which €50 million from the Multiannual Indicative Regional Programme 2014-2020 for Latin America. Moreover, it includes €30 million from the National Indicative Programme (NIP) for Ecuador based on an agreement between the Government of Ecuador and the European Commission to use up to €30 million of the NIP under the LAIF mechanism for projects benefiting the country.

For further information: Action Documents LAIF as Annex to Commission Implementing Decisions C(2015)3586 and C(2015)9066)

Appendix 1: LAIF Indicative Pipeline 2016-2017

Country	Lead Finance Institution	FIs consortium composition	Operation's Title	LAIF Contribution (EUR million)			Indicative timing
				TA	Grants	Risk-sharing	
Peru	AECID	To be determined	Financial Inclusion for Sustainable MSME Development in peri-urban and rural areas in Peru	2.5			2016
Peru	AFD	CAF	Sedapal Investment Program (water supply and sanitation)	5.0	To be determined		2016
Peru	KfW	To be determined	National Urban transportation program	7.0			2016
Peru	AFD	To be determined	Improving irrigation infrastructures in the Cusco region	5.0	To be determined		2016
Bolivia	AFD	To be determined	Developing renewable energy in Bolivia	1.84 (To be confirmed)	8.5 (To be confirmed)		2016

Bolivia	AFD	To be determined	Water sanitation and irrigation in Bolivia	5.0	To be determined		2016
Colombia	AFD		Supporting the implementation of a Climate-smart Rural Landscape	5.0	2.0		2016
Colombia	KfW	IDB	National renewable energy and energy efficiency fund (FENOGE)	5.0 (to be confirmed)	8.0 (to be confirmed)		2017
Colombia	AFD	To be determined	Institutional support to green agricultural finances	3.0	2.0	1.0	2016
Colombia	AFD	CAF	Strengthening access and quality of tertiary education in Colombia	5.0	2.0		2016
Costa Rica	KfW	IDB (to be confirmed)	Sanitation for people and the environment	5.0			2016

Ecuador	AFD	CAF	Rural financial inclusion	4.0 to 5.0 (To be determined)	To be determined		2016
Ecuador	AFD	To be determined	Ministry of Energy investment programme	10.0			2016
Mexico	AFD		Financing energy efficiency programs	3.0			2016
Mexico	AFD	To be determined	Supporting the implementation of the national ecological connectivity policy	3.0	2.0		2016
Brazil	KfW	IDB	Solar Thermal Power Plant		8.0		2016
Brazil	EIB	WB	Bahia Road Rehabilitation and Safety		10.0		2016

Honduras	EIB	IDB	Renewable Energy Transmission Infrastructure		10.0		2016
Nicaragua	EIB	To be determined	Sustainable Roads Programme		11.0		2017
Regional	KfW	CAF	Climate Change Program II	2.0	5.0		2017
<u>Total pipeline 2016-2017:</u> EUR 141.84 million				72.34	68.5	1.0	



ANNEX 3

of the Commission Implementing Decision on the Support measures for Latin America regional (continental) activities - 2016

Action Document for Support measures for Latin America regional (continental) activities - 2016 -2017

1. Title/basic act/ CRIS number	Support measures for Latin America regional (continental) activities – 2016 -2017, CRIS number: DCI-ALA/2016/ 039-404 financed under Development Cooperation Instrument	
2. Zone benefiting from the action/location	Latin American Region The action shall be carried out at the following location: Latin America and Europe	
3. Programming document	Multi Indicative Regional Programme for Latin America 2014-2020	
4. Sector of concentration/ thematic area	Support measures	DEV. Aid: YES ¹
5. Amounts concerned	Total estimated cost: EUR 1,960,000 Total amount of EU budget contribution EUR 1,960,000	
6. Aid modality(ies) and implementation modality(ies)	Project Modality Direct management	
7 a) DAC code(s)	43010	
b) Main Delivery Channel		

¹ Official Development Aid is administered with the promotion of the economic development and welfare of developing countries as its main objective.

8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
	Aid to environment	<input type="checkbox"/>	X	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>
	Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input type="checkbox"/>	X	<input type="checkbox"/>
	Climate change mitigation	<input type="checkbox"/>	X	<input type="checkbox"/>
	Climate change adaptation	<input type="checkbox"/>	X	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships				

SUMMARY

The Multiannual Indicative Programme (MIP) for regional Latin America 2014-2020 foresees a financial envelope of EUR 805 million for the continental component in four priority areas: Security – development nexus, Good governance/ accountability/ social equity, Inclusive and sustainable growth for human development and Environmental sustainability/ Climate Change.

In the continental component of the MIP for regional Latin America, EUR 15 million have been set aside for support measures. The "Support measures for Latin America regional (continental) activities 2016-2017" project, for an amount of EUR 1,96 million, proposed hereafter, is meant to be the second contribution of support measures for building capacity and providing technical assistance in a more efficient and structured manner, ensuring that the focal sectors reach maximum results, impact and visibility.

The support measures aim to facilitate a well-structured and strategic capacity building and policy dialogue process. They will provide short-term technical assistance linked to the preparation, follow-up, monitoring, auditing and evaluation activities necessary to the efficient implementation of relevant/ high impact regional projects. It includes the provision of resources aiming at activities such as: organising seminars, meetings, events, awareness-raising campaigns, and training sessions; undertaking thematic studies and publications; exchanging and gathering information; developing online networks; as well as

communication and visibility strategic actions, in order to achieve the results and impact of the continental strategy as a whole. The support measures will optimise the effectiveness and efficiency of EU interventions in the Latin America region, contributing to mitigate the risks and draw lessons from the EU's previous experience of cooperation in Latin America.

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

The EU's partnership with Latin America is founded on close historical and cultural ties; strong and growing trade and investment flows; extensive people-to-people exchanges; and a deep bedrock of shared values and aspirations. Over the years, the two sides have progressively built up a broad-based relationship of equals, founded on mutual respect and open dialogue. A bi-regional Strategic Partnership, culminating in periodic Summits, was established in 1999.² The EU has also concluded an extensive web of association and other agreements with individual Latin American countries and regional groupings.

EU development cooperation instruments have been - alongside political engagement, trade and investment, and sector dialogues - a crucial building block of this relationship over the years. During the period 2002-2013, the EU committed over EUR 4 billion for programmable development cooperation in Latin America, accompanying and supporting the region's own successful development efforts. This also helped to underpin closer cooperation in many areas (e.g. social cohesion, education, environment and climate change, trade and small and medium enterprises, drugs policies, migration) and gave substance to the wider policy agenda jointly pursued by the two sides. It has taken place both through bilateral programmes with individual countries, tailored to their national development agenda, and also through regional programmes pursued at Latin America continental level.

Over recent years, the countries of Latin America have collectively enjoyed strong economic growth and macroeconomic stability. Taken as a whole, the region has continued its progress in consolidating human rights and democracy.

Yet considerable challenges remain and the development gains of many Latin American countries are fragile, for example:

- Despite improvement in some countries, the region remains the most unequal in the world. Poverty and income distribution trends as well as citizen perceptions of inequality indicate the need to promote more sustainable and equitable growth across the region and ask for greater efforts to ensure higher levels of social cohesion.
- Economic growth in Latin America has been heavily based on external demand for natural resources and commodities. A number of structural weaknesses may impede higher, more inclusive economic growth in the coming years.
- To create opportunities for youth, address gender issues, increase the offer of quality jobs and promote decent work are of particular relevance to ensure greater social inclusion in the continent.

² The VII EU-LAC Summit (1st EU-CELAC Summit) took place in Santiago, Chile, in January 2013.

- Reconciling environmental sustainability with economic growth is a major challenge in Latin America. The region is highly vulnerable to climate change and to natural disasters. Its environment is being heavily affected by issues such as biodiversity loss, deforestation, land degradation, water pollution, with direct consequences particularly for the poorest segments of the society.

In face of these challenges, the EU aims through its regional (continental) programme for Latin America to support national, regional and bilateral development efforts to tackle the challenges in the region. A comprehensive understanding of the impacts of the region's new social, economic and financial context can be further strengthened. The support measures will aim, *inter alia*, to strengthen the institutional capacity and to help in the identification and formulation of new projects and programme to be financed by the EU, as well as in the development of a comprehensive communication strategy.

1.1.1 Public Policy Assessment and EU Policy Framework

The EU Multi-Indicative Regional Programme for Latin America 2014-2020 allocates EUR 15 million to support measures in Latin America. The main aim of the support measures is capacity building and providing technical assistance in a more efficient and structured manner. These resources are envisaged to support communication and visibility activities to raise awareness of EU aid. They can also be directed to thematic studies and impact assessments of projects, support to formulation of public policies and policy dialogue, and short-term technical assistance, as well as to support aid efficiency initiatives such as donor coordination and division of labour.

1.1.2 Stakeholder analysis

The main stakeholders will be Latin American countries, regional, national, and local government institutions, regional organisations, business organisations and the private sector, academic organisations, amongst other. Actors from the civil society and non-governmental organisations (NGOs) may also be associated. EU implementing partners (national authorities, international organisations, EU Member States, non-state actors) in Latin America will also be target audience of communication and visibility activities.

1.1.3 Priority areas for support/problem analysis

The support measures aim to facilitate a well-structured and strategic capacity building and policy dialogue process. They will provide short-term technical assistance linked to the preparation, follow-up, monitoring, auditing and evaluation activities necessary to the efficient implementation of relevant/ high impact regional projects. It includes the provision of resources aiming at activities such as: organising seminars, meetings, events, awareness-raising campaigns, and training sessions; undertaking thematic studies and publications; exchanging and gathering information; developing online networks; as well as communication and visibility strategic actions, in order to achieve the results and impact of the continental strategy as a whole. The support measures will optimise the effectiveness and efficiency of EU interventions in the Latin America region, contributing to mitigate the risks and draw lessons from the EU's previous experience of cooperation in Latin America.

2 RISKS AND ASSUMPTIONS

The main risk for the implementation of the present support measures mainly relates to the timely identification of needs and launching of the relevant tendering processes. The specific

skills needed for some of the identification/ formulation support missions and relative lack of profiles in the consultancy market can also be a risk for the implementation of the support measures. Due care will be given to make sure the information is adequately shared as well as to increase visibility of the EU contribution. The main risks are related to:

Risk	Risk level (H/M/L)	Mitigating measures
Delayed launching of tendering processes	L	The EU will seek to identify the specific needs for support measures in a well-timed and appropriate manner allowing to launch the tender procedures within the appropriate time
The specific technical skills required are not available for the identification/ formulation support missions	L	The EU will aim to ensure that the description of the Terms of Reference for the proposed actions are clear and specific allowing tenderers with the required profiles to apply
The relevance of public policies, sector strategies and instruments may be subject to strategic shifts or delays in strategy implementation	L	A close follow-up of policies implementation and a permanent and effective dialogue with all stakeholders (including private sector, other donors, etc.) shall also be promoted, ranging from the definition of strategies and programmes, to the operational implementation of projects.
Misunderstanding of the EU communication and visibility rules.	L	Further efforts to be deployed by the EU to deepen its relations with relevant authorities and other stakeholders to create more opportunities for joint communication activities. The EU must also improve a stronger communication strategy to promote its values and achievements in the region as well as better informing its target audience. Specific joint training activities on communication could also contribute to a common and shared culture of EU – Latin America communication – beneficial for both regions.

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

In accordance with the European Consensus for Development and the objectives of the Paris Declaration on Aid Effectiveness and the Backbone Strategy on Technical Cooperation and

Project Implementing Units, it is a priority to reinforce and coordinate technical cooperation activities with donors and stakeholders.

Such support measures have already been implemented in the past through the 'Latin American Technical Cooperation Instrument' (LATCI) and through the Decision on Support Measures for 2015 (allocation of a total of EUR 2.160M). Its implementation has been successful, earning very positive feedback. It has provided the tools to better identify and formulate regional programmes in LA, while at the same time it has facilitated the evaluation and follow-up of other programmes being implemented. Moreover, thanks to the support measures in place, the EU has been able to better manage the communication and visibility strategy and actions, making it possible to reach an increased audience. Besides, thanks to the budget allocations reserved in the support measures, the organisation of seminars and workshops have been possible, which have improved the bi-regional dialogue EU-LA.

3.2 Complementarity, synergy and donor coordination

The proposed action will complement all other on-going activities carried out by the EU in Latin America as it is designed as a specific and technical supporting instrument for that purpose, at regional (continental) level.

When applicable, EU Headquarters and/ or Delegations will assess with relevant regional stakeholders the requirements for specific activities to be carried out within the support measures.

The proposed action should create a strategic and long term communication framework that is flexible and that adapts to local / regional changing circumstances. It should also be complementary with ongoing communication and visibility efforts led by individual EU programmes.

3.3 Cross-cutting issues

The support measures will provide support to a broad range of projects/ programmes and to national/ regional authorities that deal with crosscutting issues such as: environmental sustainability, gender equality, good governance and human rights.

During the implementation of the project, those who give training and lead other capacity building activities will be asked to raise awareness about the above-mentioned cross-cutting issues.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

The main purpose of the 'Support measures for Latin America regional (continental) activities' is to contribute to a more effective and efficient implementation of public policies and EU cooperation activities, ensuring that the regional (continental) focal sectors reach maximum results, impact and visibility. This will be achieved thanks to a specific and technical supporting instrument.

Support activities may be extended to Caribbean countries when and where relevant.

The following results are expected:

- 1) Support missions to the Identification, Formulation and Implementation of new projects/programmes are carried out.

- 2) Audits and assessments for more efficient and sound management of funds are carried out.
- 3) Studies, Evaluations, Training, Seminars, Meetings, and Events are commissioned and/or organised.
- 4) Communication and Visibility of the EU development and international cooperation actions, in particular, of the role of DEVCO in support to Latin American poverty reduction are strengthened.

4.2 Main activities

The action's logic should be sufficiently flexible to remain valid, should the EU need to support other activities related to the four focal sectors of the Latin America regional (continental) component of the MIP 2014-2020, whose need will arise along the implementation of the strategy.

1) Support missions to the Identification, Formulation and Implementation of new projects/programmes

The objective is to provide technical support to the design of projects and programmes, which requires great expertise and in depth-analyses. Implementation follow-up may also be required.

2) Audits and assessments for more efficient and sound management of funds

The objective is to reinforce auditing and assessment activities to ensure the proper and sound management of EU funds and implementation of EU cooperation activities.

3) Studies, Evaluations, Training, Seminars, Meetings, Events

The objective is:

- A) More efficient and relevant strategic and sectoral planning: to provide the Latin American region with studies and to organise seminars to support the definition of regional strategies and policies on sectors related to EU development cooperation;
- B) Implementation of European Union - Latin American and Caribbean (EU-CELAC) dialogue and cooperation;
- C) More relevant and efficient use of EU funds: to reinforce evaluation activities so as to ensure the effective, result-oriented, sustainable, proper and sound management of EU funds and implementation of EU cooperation activities.
- D) Promote joint innovative and interactive activities inter alia with tertiary education institutions, foundations, think tanks, EU Member States, governments, non-state actors, private sector, secondary schools, among others, in the context of the focal sectors of the regional continental MIP.

All studies, trainings shall include issues referred to gender equality and human rights as well as those elements that can contribute to improve transparency and accountability of bi-regional cooperation.

4) Communication and Visibility

Relevant visibility activities will be carried out along the implementation of the action. Coordination and engagement with the related stakeholders will also be sought. Besides the communication and visibility activities addressing beneficiaries of the actions, this will

support and encompass efforts to increase the communication directed to the general public on the results and impact of EU cooperation making it more visible, understandable and transparent, as well as strengthening the promotion of the ‘EU brand’.

It may be anticipated that some 18 contracts may be signed under this Decision.

4.3 Intervention logic

The Multi-Indicative Regional Programme for Latin America 2014-2020 allocates EUR 15 million to support measures in the framework of the EU regional programmes implementation in Latin America.

The implementation of this programme is solely based in the provision of services, directly managed by Commission services (DG DEVCO, unit G2 in charge of Latin America Regional Programmes) and coordinated with EU Delegations and the unit responsible for geographical coordination with Latin America and the Caribbean.

The support measures aim to facilitate a well-structured and strategic capacity building and policy dialogue process with Latin America. They will provide short-term technical assistance linked to the identification, formulation, monitoring, auditing and evaluation activities necessary to the efficient implementation of the regional programmes implemented under the MIP 2014-2020. It includes the provision of resources aiming at activities such as: organising seminars, meetings, events, awareness-raising campaigns, and training sessions; undertaking thematic studies and publications; exchanging and gathering information; developing online networks; as well as communication and visibility strategic actions, in order to achieve the results and impact of the continental strategy as a whole. The support measures will optimise the effectiveness and efficiency of EU interventions in the Latin America region, contributing to mitigate the risks and draw lessons from the EU's previous experience of cooperation in Latin America.

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.1 will be carried out and the corresponding contracts and agreements implemented, is 54 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

5.3 Implementation modalities

5.3.1.1 Procurement (direct management)

Subject in generic terms, if possible	Type (works, supplies,	Indicative number of	Indicative trimester of
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	services)	contracts	launch of the procedure
Support missions to the Identification, Formulation and Implementation of new projects/programmes	SERVICES	3	4thQ/2016 1 st sem/2017
Audits, Assessments	SERVICES	6	4thQ/2016 – 4 th Q/2017
Studies, Evaluations	SERVICES	3	1 st Sem/2017
Training, Seminars, Meetings, Events	SERVICES	3	3 rd term/2016 2 nd Q/2017
Communication and visibility	SERVICES	1	1 st SEM/2017

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.5 Indicative budget

Activity/Module	Amount in EUR	Third party contribution
Support missions to the Identification, Formulation and Implementation of new projects/programmes	480,000	N/A
Audits, Assessments	145,000	N/A
Studies, Evaluations	700,000	N/A
Training, Seminars, Meetings, Events	600,000	N/A
Communication and visibility	35,000	N/A
Total	1,960,000	N/A

5.6 Organisational set-up and responsibilities

Commission services (DG DEVCO G2) are in charge of the implementation and management of this programme.

5.7 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the

implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) or the list of result indicators (for budget support). The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

In case an evaluation is not foreseen, the Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.5 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY)

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Results chain	Indicators	Baseline s (incl. referenc e year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall objective	To contribute to poverty reduction in Latin America through a better definition and implementation of EU development cooperation programmes.	Poverty rates			Latin American statistics on poverty reduction	
Specific objective(s):	To contribute to a more effective and efficient implementation of public policies and of EU cooperation activities, ensuring that the regional (continental) focal sectors reach maximum results, impact and visibility.	Development, economic and regional policies in priority areas implemented, integrating the aspects of gender equity, human rights and rule of law. Increased perception of EU aid			Perception survey Evaluation reports of EU regional programmes	
Outputs	<ol style="list-style-type: none"> 1. Support missions to the Identification, Formulation and Implementation of new projects/programmes are carried out 2. Audits and assessments for more efficient and sound management of funds are carried out. 3. Studies, Evaluations, Training, Seminars, Meetings, and Events are commissioned and/or organised. 	Activities: <ul style="list-style-type: none"> • Technical assistance for the Identification, Formulation and Implementation of new projects/programmes • Audits, Assessments • Studies, Evaluations • Training, Seminars, Meetings, Events • Communication and visibility 				

	<p>4. Communication and Visibility of the EU development and international cooperation actions, in particular, of the role of DEVCO in support to Latin American poverty reduction are strengthened</p>	
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