

FPA Watch Group Meeting 30-08-01

Venue: Care International

Time: 2pm

Participants: Jane Backhurst (World Vision), Farida Chapman (IRC), Davide Martina (COOPI), David Morton (SCFUK), Giovanna Solari (CISP), Floris Faber (EUCORD, Mission East), Simonetta Risaio (Handicap International), Jean Sadlawdky (MDM), Gaelle Nizery (CARE International), Jennifer Tangney (VOICE), Ad Ooms (ICCO), Isabelle Lefort (Atlas Log.), Frederic Bonamy (Premiere Urgence), Laure Delcros (MSF International).

1. Apologies

Diane Crocombe (Oxfam GB), Encarnación Guirao (IRC Spain), Pierre Gallien, Elvira Rodriguez (ACF), Sophie Dima (IISA), Annette Frick (ADRA).

2. Minutes of previous meeting

Minutes accepted without alteration.

3. General Conditions

In the context of a discussion of the General Conditions the FPA Task Force explained what had happened at the ECHO meeting on 3rd of August. Certain FPA Watch Group proposals for changes to the General Conditions were not accepted by ECHO as they were obligated to include them to satisfy EU law. Other changes by the FPA Watch Group were accepted and the General Conditions were altered. Finally, certain changes were not yet accepted by ECHO and would be discussed in the ECHO meeting tomorrow.

Simonetta and Jean outlined why this particular meeting of 3rd August with ECHO was difficult. Mrs. Frances Smith was also present at the meeting and took on board all the comments being made.

- ◆ The point was raised by the Task Force that the Standard Contract which ECHO was using as a threat, actually was beginning to look attractive. The Task Force stressed that nothing in the FPA should be more restrictive than the Standard Contract.

- ◆ The Task Force informed ECHO that the partners felt that the tone of the General Conditions did not create a feeling of partnership but was an indication of distrust and suspicion on the part of ECHO.

The FPA will be available on CD-Rom and in download format on ECHO's website. The General Conditions will have hyperlinks to the glossary and provisions.

Article 1

It was decided that the user's guide would be most suitable for matters such as the procedures for making an application for funding and technical matters such as ECHO's response to applications, selection of projects, and financing decisions being announced without delays. Including such matters in the text of the general conditions would make it very heavy to read.

The Group were informed at this point that this FPA would be signed with all related documents ready and available. Unlike the last FPA when certain documents were not ready.

Article 2

It was stressed that ECHO should not be able to change a proposal (i.e. make a contract with an altered budget etc). It was also confirmed that the language of the report and contract should be the same. However, it was agreed that the language (either French or English) would be agreed between the desk and the NGO.

Article 3

Difference between local partner and sub-contractors.

Local partners are NGOs and are not governed by the rules of Document 14.
For the user's guide the aspect of confidentiality should be clarified. It was also agreed that complaints of ECHO Desks should be done through a mechanism, ECHO 5 would be preferable as it could allow for anonymity to a degree, which may help avoid recriminations.

Article 4

Our proposal to change point 1 was accepted.

Article 5

Problem with point 3. The issue was also raised that the matter of no-cost extensions should be addressed. Particularly, as additional contracts are a heavy workload for ECHO. If budget doesn't change but more time is needed, it should be possible for practical reasons to have such an extension.

Article 7

Confidentiality goes against the principal of transparency. Particularly as Sphere guidelines stress the need to share survey information. This article should be rephrased to give greater clarity.

Article 9

Needs to be viewed in conjunction with Document 14, cannot be judged on its own.

Article 10

The word "entirely" should be added with regard to ECHO financed items.
Documents 14-16 are important in relation to this article. Point 5 should say that Transfer Titles should be at ECHO's disposal rather than sent to ECHO directly.

Article 11

We need a definition of recognised, controlled procurement centres.

Article 12

Definition of Quantity/Quality control.

Article 13

Ensure that it is ECHO who pays for ECHO visits.

Article 14

Terms of reference for evaluation are needed.
Paragraph three should be removed as it is more relevant to reports.

Article 15

Needed from ECHO as soon as possible.

Article 17

Interest Rates need clarification.
The word "fraudulent" need to be added in conjunction to financial irregularities in point 1. What are the serious breaches of contract that can lead to a contract being ended?

Article 18

The article is the same as the last FPA but wasn't used. A proposal from the Task Force to have an initial mediation stage was discussed by the Group. There was agreement that this could be a less expensive option, and also lead to more amicable settlement of disputes. Arbitration is under Belgian law therefore the Group agreed to a proposal of having the Brussels Chamber of Commerce's Arbitration facility discussed with ECHO. It was agreed by all that a standard mechanism was required.

Article 19

A definition of "visibility" should be included.

Article 20

Does this article also refer to private donors?

We requested for this article to be removed. We will continue to pressure ECHO in this regards. Despite the need for transparency, one must also look at the future consequences of such an Article for humanitarian NGOs.

Article 21

Delete points 4-6. Political meeting will hopefully lead to a breakthrough in this regard.

Article 22

Arbitration should be included for expenses considered ineligible.

Point 4 - Echo Audit and evaluation has a clear methodology and process (notification etc.), does the field have to follow these procedures or can they just take ad hoc decisions?

Article 23

Definition

Interest Rate?

Article 24

Again, this article is required urgently.

Article 25

How to reimburse ECHO?

Article 26

Same comment as Article 25.

Articles 27 and 28

Remove reference to co-financing.

Article 28

Should clearly allow an NGO to respond to an audit and for their comments to be taken into account in the final audit report.

Article 29

How to re-invest interest?

Article 30

Delete points 3-6 and put in user's guide.

4. Vehicles

It was agreed that the current proposal of the FPA Watch Group should be pursued with ECHO. ECHO's counter offer, coupled with the information of Save The Children, Oxfam and Atlas Logistique would be assessed prior to any decision on the country of purchase within ECHO's proposal.

5. Provisions and Preamble

On the basis of the ECHO documents everyone was asked to make suggestions and changes. Any comments on this should be sent to Pierre Gallien. (pg@acf.imagnet.fr) This is urgent and everyone should comment.

6. User's Guide and Glossary

The user's guide and glossary need a lot of work, as the General Conditions are quite different now. Moreover, in order to be confident that we are protected once we act within accordance with the User's Guide we need to ensure that it is well written and clear.

All comments on this should be sent to Jennifer Tangney (jennifer@clong.be)

7. ECHO strategy

As we received an agenda from ECHO, it is clear that much of the meeting tomorrow will be a listening exercise, ECHO will present their revised offers. We will comment on these if we can,

otherwise we will wait and consult with the Group before reacting.

8. National Platforms

It was agreed that the national platforms should be informed of the difficulties of the FPA process. However, in the context of the consultation we need to ensure that the National Platforms do not send letters to Mrs. Adinolfi at this stage as the process may be impeded by such an action. It was agreed, however, that a letter should be sent to Mrs. Adinolfi on behalf of the FPA Partners that the FPA Watch Group represents, to reaffirm the strength of support behind the Group.

9. Any Other Business

It was agreed that Jennifer would send the ECHO minutes to the Group as soon as possible and keep them informed of the date for the political level meeting.

Meeting Closed at 5pm