

EN

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Answer given by Ms Kos
on behalf of the European Commission
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The legal basis for macro-financial assistance (MFA) and for structural support in the form of multi-year instruments is found directly in Treaty on the Functioning of the European Union (TFEU), Article 212 provides that ‘the Union shall carry out economic, financial and technical cooperation measures, including assistance, in particular financial assistance, with third countries other than developing countries’. In the past, this provision has been used for single operations in emergency conditions, the MFA. The same legal basis can also be used to provide structural support in the form of multi-year instruments.

Under Article 212(2) of the TFEU, clear legal limits are set: each individual loan requires a basic act adopted under one of those legal bases. The basic act empowers the Commission to borrow on the capital markets or from financial institutions, on behalf of the EU, to finance the loan to the third country. The Ukraine, Western Balkans, and Moldova Facilities¹ were each adopted under ordinary legislative procedure, empowering the Commission to implement the multi-year programmes in line with the conditions set in the legislation.

The basic act also defines the provisioning rate. Provisioning is a budgetary risk management tool, not a legal basis for borrowing. It protects the budget against risks of future losses from lending operations by setting aside a percentage of each loan amount in the Common Provisioning Fund.

¹ Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility, OJ L, 2024/792, 29.2.2024; Articles 15 and 16 of Regulation (EU) 2025/535 of the European Parliament and of the Council of 18 March 2025 establishing the Reform and Growth Facility for the Republic of Moldova, OJ L, 2025/535, 21.3.2025; Regulation (EU) 2024/1449 of the European Parliament and of the Council of 14 May 2024 on establishing the Reform and Growth Facility for the Western Balkans, OJ L, 2024/1449, 24.5.2024.