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Committee on Foreign Affairs

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AMENDMENTS 25 - 100

Draft report

Elmar Brok

(PE487.763v01-00)

on the proposal for a regulation of the European Parliament and of the Council establishing common rules and procedures for the implementation of the Union's instruments for external action

Proposal for a regulation

(COM(2011)0842 – C7-0494/2011 – 2011/0415(COD))

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EN

United in diversity

EN

Amendment 25
Sabine Lösing, Willy Meyer

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The documents that define the objectives, priorities, expected results and financial allocations in broad terms are strategic programming documents. In order to ensure full democratic control, transparency and participation in the process of development, adoption and revision of those documents, they should be established by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure according to Article 294 of the TFEU, on the basis of Articles 209(1) and 212(2) of the TFEU.

Or. en

Amendment 26
María Muñoz De Urquiza, Ioan Mircea Pașcu

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Implementation of these instruments should be evaluated on the basis of concrete performance indicators which are subject to the objectives specified for each instrument with respect for each beneficiary country's needs and circumstances; these performance indicators should cover, inter alia, the areas of respect for human rights and fundamental freedoms; sufficiently monitored, free and fair democratic elections, the rule of law; the

independence of the judiciary; democratic control over armed and security forces; the protection of minorities; the level of corruption; decentralisation and local democracy; measurements of internal economic disparities, including employment levels and progress towards social justice; the situation of civil society and equality between women and men.

Or. en

Amendment 27

Sabine Lösing, Willy Meyer

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Taking into account the *policy programming or* financial execution nature of those *implementing acts*, in particular their budgetary implications, the examination procedure should *in general* be used for their adoption, *except for measures of a small financial scale*. However, the Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so requires.

Amendment

(4) Taking into account the financial execution nature of those *annual or multinannual action programmes*, in particular their budgetary implications, the examination procedure should *always* be used for their adoption. However, the Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so requires

Or. en

Amendment 28

Norica Nicolai

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Taking into account the policy

Amendment

(4) Taking into account the policy

programming or financial execution nature of those implementing acts, in particular their budgetary implications, the examination procedure should in general be used for their adoption, except for measures of a small financial scale. However, the Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so requires.

programming or financial execution nature of those implementing acts, in particular their budgetary implications, the examination procedure should in general be used for their adoption, except for measures of a small financial scale, ***unless said measures touch on subjects of high focus for the EU***. However, the Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so requires.

Or. en

Amendment 29
Nadezhda Neynsky

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Taking into account the policy programming or financial execution nature of those implementing acts, in particular their budgetary implications, the examination procedure should in general be used for their adoption, except for measures of a small financial scale. However, the Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so requires.

Amendment

(4) Taking into account the policy programming or financial execution nature of those implementing acts, in particular their budgetary implications, the examination procedure should in general be used for their adoption, except for measures of a small financial scale. However, the Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so requires. ***The European Parliament should be duly and promptly informed thereof. All measures adopted should also take into account the relevant provisions of Regulation (EU) No [...] of the European Parliament and of the Council on the financial rules applicable to the annual budget of the Union¹ (hereinafter "the Financial Regulation").***

Amendment 30
Sabine Lösing, Willy Meyer

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The examination procedure should always be used for the adoption of those individual measures, special measures and support measures.

Amendment 31
Nadezhda Neynsky

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) For the implementation of financial instruments, when the management of the operation is entrusted to a financial intermediary, the Commission decision should cover in particular provisions concerning risk-sharing, the remuneration of the intermediary responsible for implementation, the use and re-use of the funds and the possible profits.

(6) For the implementation of financial instruments, when the management of the operation is entrusted to a financial intermediary, the Commission decision should cover in particular provisions concerning risk-sharing, the remuneration of the intermediary responsible for implementation, the use and re-use of the funds and the possible profits, ***taking into account the relevant provisions of the Financial Regulation. When financial instruments are no longer deemed to be needed, they may be terminated in accordance with the conditions laid down in this Regulation.***

Amendment 32
Nadezhda Neynsky

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) While financing needs of the Union's external assistance are increasing, the economic and budgetary situation of the Union limits the resources available for such assistance. The Commission must therefore seek the most efficient use of available resources, in particular by using financial instruments that have a leverage effect. Such leverage effect is increased by allowing funds invested and generated by the financial instruments to be used and re-used.

Amendment

(8) The Commission should aim to create budgetary synergies between national, Union, multilateral and international measures and existing instruments by avoiding any potential overlap, and must therefore seek the most efficient use of available resources *without compromising the just and fair use of the Union's resources*, in particular by using financial instruments that have a leverage effect, allowing funds invested and generated by the financial instruments to be used and re-used *in accordance with the relevant provisions of the Financial Regulation*.

Or. en

Amendment 33
Franziska Katharina Brantner
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The Union's external action under the instruments to which this Regulation relates should have an impact reflected in concrete changes in beneficiary countries and partner countries. Impact should be monitored and assessed on the basis of pre-defined, clear, transparent and measurable indicators adapted to the

specificities of each instrument and each situation.

Or. en

Amendment 34

María Muñoz De Urquiza, Ioan Mircea Pașcu

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The Union's external action under the instruments to which this Regulation relates should have an impact reflected in concrete changes in beneficiary countries and partner countries. That impact should be monitored and assessed on the basis of pre-defined, clear, transparent and measurable indicators adapted to the specificities of each instrument, based on objectives which respect each beneficiary country's needs and circumstances.

Or. en

Amendment 35

Sabine Lösing, Willy Meyer

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The external financing Instruments as the tool of the Union's external action should be guided by the principles of equality, solidarity and respect for the principles of the United Nations Charter and international law; the universality and indivisibility of human rights and fundamental freedoms and respect for human dignity, the principle for

democracy and the rule of law and the strict commitment to a purely civilian and peaceful conflict resolution. In this regard, measures taken under the instruments should be consistent with these principles

Or. en

Amendment 36
Alexander Graf Lambsdorff

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In order to ensure the visibility of the Union's assistance towards the citizens of the beneficiary countries and those of the Union, there should where appropriate be proper, targeted communication and information by adequate means, with due account being had to the specificities of each instrument. Appropriate minimum requirements should be defined in this regard by the Commission in close cooperation with beneficiaries, and the respect of those requirements should be monitored. This provision should not apply to the EIDHR where the confidentiality of the beneficiaries is important.

Or. en

Amendment 37
Kristian Vigenin

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Financial assistance in the form of budget support should be granted only when adequate guarantees for the quality of the management of public spending, democratic control and audit capacities are provided by the beneficiary country.

Or. en

Amendment 38

Marian Harkin, Catherine Bearder, Richard Howitt

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The common set of rules and procedures should be consistent with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which entered into force for the Union on 22 January 2010 pursuant to Council decision 2010/48 of 26 November 2009 concerning the conclusion, by the Community, of the United Nations Convention on the Rights of Persons with Disabilities¹, and the European Disability Strategy².

¹ OJ L 23, 27.1.2010, p. 35.

² COM(2010)0636.

Or. en

Amendment 39

Nadezhda Neynsky

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

3. In applying this Regulation, the Commission shall, where possible and appropriate in light of the nature of the action, favour the use of the most flexible procedures in order to ensure an effective and efficient implementation.

Amendment

3. In applying this Regulation, the Commission shall, where possible and appropriate in light of the nature of the action, favour the use of the most flexible procedures in order to ensure an effective and efficient implementation ***without compromising the rightful use of Union funds and without prejudice to the powers of the budgetary authority.***

Or. en

Amendment 40

Franziska Katharina Brantner
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Union seeks to promote, develop and consolidate the principles of democracy, the rule of law and respect for human rights and fundamental freedoms on which it is founded, through dialogue and cooperation with partner countries and regions.

The following cross-cutting issues shall be mainstreamed in all programmes: the promotion of human rights, gender equality, women empowerment, non discrimination, democracy, good governance, the rights of the child and indigenous peoples' rights, social inclusion and the rights of persons with disabilities, environmental sustainability including addressing climate change.

Particular attention shall be given to strengthening the rule of law, improving access to justice and supporting civil society, trade and sustainable

development, access to ICTs, health and food security, as well as promoting dialogue, participation and reconciliation, and institution-building.

Or. en

Amendment 41
Ana Gomes

Proposal for a regulation
Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In implementing this Regulation, the promotion and protection of gender equality, the rights of the child, rights of indigenous peoples, rights of persons with disabilities, and principles such as empowerment, participation, non-discrimination of vulnerable groups and accountability shall be mainstreamed.

Or. en

Amendment 42
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall adopt annual *or multi-annual* action programmes, *where required* based on the *indicative* programming documents referred to in *the applicable Instrument*.

The Commission shall adopt annual action programmes *which are* based on *and in line with* the *strategic* programming documents referred to in *Article 2 paragraph 1a*.

Or. en

Amendment 43
Norica Nicolai

Proposal for a regulation
Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Exceptionally, in particular where an action programme has not yet been adopted, the Commission may, on the basis of the indicative programming documents, adopt individual measures under the same rules and procedures as for action programmes.

Amendment

Exceptionally, in particular where an action programme has not yet been adopted, the Commission may, on the basis of the indicative programming documents, adopt individual measures ***on a case by case basis***, under the same rules and procedures as for action programmes.

Or. en

Amendment 44
Franziska Katharina Brantner
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – subparagraph 3

Text proposed by the Commission

In ***the event of*** unforeseen and duly justified ***needs***, circumstances or commitments, the Commission may adopt special measures not provided for in the ***indicative*** programming documents. Special measures may also be used to ease the transition from emergency aid to long-term development operations, including measures to better prepare people to deal with recurring crises.

Amendment

In ***special*** unforeseen and duly justified circumstances or commitments, the Commission may adopt special measures not provided for in the ***strategic*** programming documents. Special measures may also be used to ease the transition from emergency aid to long-term development operations, including measures to better prepare people to deal with recurring crises.

Or. en

Amendment 45
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The documents that define the objectives, priorities, expected results and financial allocations in broad terms, are strategic programming documents.

Those documents shall be established by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure according to Article 294 of the TFEU, on the basis of Articles 209(1) and 212(2) of the TFEU.

Or. en

Amendment 46
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 2 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Action programmes and individual measures provided for in paragraph 1 ***for which the Union's financial assistance exceeds EUR 10 million and special measures for which the Union's financial assistance exceeds EUR 30 million*** shall be adopted in accordance with the examination procedure referred to in Article 15(3).

Action programmes and individual measures provided for in paragraph 1 shall be ***always*** adopted in accordance with the examination procedure referred to in Article 15(3).

Or. en

Amendment 47
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 2 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

That procedure shall not be required for action programmes and measures below the above-mentioned thresholds, and for non substantial amendments thereto.

deleted

Non-substantial amendments are technical adjustments such as extending the implementation period, reassigning funds within the forecast budget, or increasing or reducing the size of the budget by less than 20 % of the initial budget, provided these amendments do not substantially affect the objectives of the initial action programme or measure. In such case, action programmes and measures and non-substantial amendments thereto shall be communicated to the European Parliament and to the Council within one month of their adoption.

Or. en

Amendment 48

Franziska Katharina Brantner
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Individual measures provided for in paragraph 1 for which the Union's financial assistance exceeds EUR 10 million, and special measures likewise provided for in paragraph 1 for which the Union's financial assistance exceeds EUR 20 million, shall be adopted in accordance with the advisory procedure referred to in Article 15(2).

Or. en

Amendment 49

Franziska Katharina Brantner
on behalf of the Verts/ALE Group

Proposal for a regulation Article 2 – paragraph 3

Text proposed by the Commission

3. On duly justified imperative grounds of urgency, such as crises, post crisis and fragility situations or threats to democracy, the rule of law, human rights or fundamental freedoms, the Commission may adopt immediately applicable **implementing acts**, including amendments to existing action programmes and measures, in accordance with the procedure referred to in Article 15(4).

Amendment

3. On duly justified imperative grounds of urgency, such as crises, post crisis and fragility situations or threats to democracy, the rule of law, human rights or fundamental freedoms, the Commission may adopt immediately applicable **special measures**, including amendments to existing action programmes and measures, in accordance with the procedure referred to in Article 15(4).

Or. en

Amendment 50

Marian Harkin, Catherine Bearder, Evgeni Kirilov, Richard Howitt

Proposal for a regulation Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Appropriate screening on the implementation of the UNCRPD, including accessibility, non discrimination and support of disabled people's organizations, shall be undertaken at project level. The involvement of interested stakeholders shall be ensured.

Or. en

Amendment 51
Nadezhda Neynsky

Proposal for a regulation
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) studies, meetings, information, awareness-raising, training, publication activities and any other administrative or technical assistance expenditure necessary for the management of the actions,

Amendment

(a) studies, meetings, information, awareness-raising, training, ***preparation and exchange of lessons learned and best practices***, publication activities and any other administrative or technical assistance expenditure necessary for the management of the actions,

Or. en

Amendment 52
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) studies, meetings, information, awareness-raising, training, publication activities and any other administrative or technical assistance expenditure necessary for the management of the actions,

Amendment

(a) studies, meetings, information, awareness-raising, training, publication activities and any other administrative or technical assistance expenditure necessary for the management of the ***purely civilian*** actions,

Or. en

Amendment 53
Nadezhda Neynsky

Proposal for a regulation
Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) expenditures related to the provision of

Amendment

(c) expenditures related to the provision of

information and communication actions, including corporate communication of the political priorities of the Union.

information and communication actions, including *the development of communication strategies and* corporate communication of the political priorities of the Union.

Or. en

Amendment 54
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. Support measures may be financed outside the scope of indicative programming documents. Where applicable, the Commission shall adopt support measures in accordance with the *advisory* procedure referred to in Article 15(2).

Amendment

3. Support measures may be financed outside the scope of indicative programming documents. Where applicable, the Commission shall adopt support measures in accordance with the *examination* procedure referred to in Article 15(3).

Or. en

Amendment 55
Marian Harkin, Catherine Bearder, Evgeni Kirilov, Richard Howitt

Proposal for a regulation
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Support measures shall ensure that accessibility criteria for disabled people are observed.

Or. en

Amendment 56
Rosa Estaràs Ferragut, José Ignacio Salafranca Sánchez-Neyra, Richard Howitt

Proposal for a regulation
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Supported actions shall ensure that accessibility criteria for disabled people are observed

Or. en

Justification

The European Union concluded the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) on 23rd December 2012 and it entered into force for the European Union in January 2011. The conclusion of this Convention means a change in the way that the main policies of the European Union are addressed since the Human Rights approach to disability has to be now a priority of all actions. There are a number of articles in the UNCRPD of utmost importance for the European external action. In particular for this new article is Article 9 on Accessibility which is also linked to Article 32 on International Cooperation. Other important regulations such as the General Regulation for the Structural Funds have included accessibility for people with disabilities as a horizontal criteria. It will be a contradiction for the EU that it preserves accessible criteria for built environment, information, ICT, and so on inside the borders of the European Union while promoting barriers for disabled people outside the EU. It will be also in contradiction with legal obligations coming from the UN CRPD

Amendment 57
Mario Mauro

Proposal for a regulation
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

In addition to the guarantee provided by the European Union for loans granted by the European Investment Bank (EIB) to third countries, whenever possible, all opportunities shall be explored to combine funds available under the instrument established by this Regulation with the lending capacity of the EIB through

Text proposed by the Commission

Amendment

(f) shareholdings *or equity participations* in international financial institutions, including regional development banks.

(f) shareholdings in international financial institutions, including regional development banks.

Or. en

Amendment 61
Nadezhda Neynsky

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) shareholdings or equity participations in international financial institutions, including regional development banks.

(f) shareholdings or equity participations in international financial institutions, including regional development banks *but excluding national banks of Member States*.

Or. en

Amendment 62
Marian Harkin, Catherine Bearder, Richard Howitt

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) Global grants can ensure small size projects for vulnerable groups.

Or. en

Amendment 63
Rosa Estaràs Ferragut, José Ignacio Salafranca Sánchez-Neyra, Richard Howitt

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) Global grants can ensure small size projects for vulnerable groups.

Or. en

Justification

The mechanism of Global Grants is used in the implementation of instruments for Cohesion policy in the EU and it is a fundamental mechanism for small organisations from civil society and other stakeholders to access the funds and not limiting the implementation to other such as big private companies and regional authorities. This will be in compliance with ensuring the participation of civil society in the implementation of external actions.

Amendment 64

María Muñoz De Urquiza, Ioan Mircea Paşcu

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Financial assistance in the form of budget support, as provided for by point (c) of the first subparagraph of paragraph 1 and in accordance with Article XXX of Council Regulation (EC) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹, shall be conditional on measurable objectives, clear targets, performance criteria and transparent, reliable and effective auditing standards, in order to ensure the effectiveness of the use of that form of assistance. Before approving any financing decision, the Commission shall secure guarantees from the government of the partner country concerned that it has established national parliamentary control and audit capacities, including

public access to information. The Union shall support the countries that do not have yet such capacities to establish them and to create, in the meantime, a provisional equivalent system that shall offer the EU the guarantee of a transparent and efficient spending of allocated funds.

¹ OJ L 248, 16.9.2002, p. 1.

Or. en

Amendment 65
Norica Nicolai

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Union's financial assistance may also be provided, in accordance with the Financial Regulation, through contributions to international, regional or national funds, such as those established or managed by the European Investment Bank, international organisations, Member States or by partner countries and regions, for attracting joint financing from a number of donors, or to funds set up by one or more donors for the purpose of the joint implementation of projects.

Amendment

The Union's financial assistance may also be provided, in accordance with the Financial Regulation, through contributions to international, regional or national funds, such as those established or managed by the European Investment Bank, international **and national** organisations, Member States or by partner countries and regions, **groupings of transnational public and private actors**, for attracting joint financing from a number of donors, or to funds set up by one or more donors for the purpose of the joint implementation of projects, **and this shall be taken into account properly under Parliament's responsibility for financial scrutiny.**

Or. en

Amendment 66
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Financial assistance in form of budget support as provided for by point (c) shall be spent in pursuit of the Millennium Development Goals and shall not be guided by political or geostrategic interests of the Union. Its effectiveness shall be evaluated on the basis of local criteria, which shall be developed and designed in the closest possible cooperation with the recipient country and its government, in consultation with a broad spectrum of civil society, and must be agreed by national parliaments. In order to ensure mutual accountability, civil society and parliamentarians must be involved throughout every stage of the implementation, monitoring and the evaluation of budget support measures.

Or. en

Amendment 67
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. The types of financing referred to in paragraph 1 and in Article 6(1), and the methods of implementation referred to in paragraph 3, shall be chosen on the basis of their ability to achieve the specific objectives of the actions, taking into account, inter alia, the costs of controls, the administrative burden, and the expected risk of non-compliance. For grants, this shall include ***a consideration*** of the use of lump sums, flat rates and scales of unit

4. The types of financing referred to in paragraph 1 and in Article 6(1), and the methods of implementation referred to in paragraph 3, shall be chosen on the basis of their ability to achieve the specific objectives of the actions, taking into account, inter alia, the costs of controls, the administrative burden, and the expected risk of non-compliance. For grants, this shall include of the use of lump sums, flat rates and scales of unit costs, ***in particular***

costs.

loans and grants shall be free of interest or at least provide stable and the lowest possible interest rates.

Or. en

Amendment 68

Sabine Lösing, Willy Meyer

Proposal for a regulation

Article 4 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) contributions to the costs necessary to set up and administer a public-private partnership, and

deleted

Or. en

Amendment 69

Marian Harkin, Catherine Bearder, Richard Howitt

Proposal for a regulation

Article 4 – paragraph 6 – point e a (new)

Text proposed by the Commission

Amendment

(ea) Ensure participation of civil society, including organizations of people with disabilities as stated in Article 4.3 of UNCRPD. Capacity building shall be promoted to ensure full participation.

Or. en

Amendment 70

Franziska Katharina Brantner

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 1 – point b – introductory part

Text proposed by the Commission

Amendment

(b) under the DCI ***and under the IfS***, in exceptional cases, sectoral and general import programmes, which may take the form of:

(b) under the DCI, in exceptional cases, sectoral and general import programmes, which may take the form of:

Or. en

Amendment 71

Alexander Graf Lambsdorff

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) under the EIDHR direct award of:

deleted

(i) low-value grants to human rights defenders to finance urgent protection actions;

(ii) grants to finance actions in the most difficult conditions or situations referred to in Article 2(4) of the EIDHR where the publication of a call for proposals would be inappropriate. Such grants shall not exceed EUR 2 000 000 and shall have a duration of up to 18 months, which may be extended by a further six months in the case of objective and unforeseen obstacles to their implementation.

(iii) grants to

– the Office of the UN High Commissioner for Human Rights;

– the European Inter-University Centre for Human Rights and Democratisation, providing a European Master's Degree in Human Rights and Democratisation and an EU-UN Fellowship Programme, and its associated network of universities delivering human rights post-graduate diplomas, fully accessible to nationals of

third countries.

Or. en

Justification

Given the specificity of the EIDHR these provisions have been added to the EIDHR Regulation proper and should thus not be included into the CIR.

Amendment 72

Franziska Katharina Brantner

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) grants to finance actions in the most difficult conditions or situations referred to in Article 2(4) of the EIDHR where the publication of a call for proposals would be inappropriate. Such grants shall not exceed EUR 2 000 000 and shall have a duration of up to 18 months, which may be extended by a further six months in the case of objective and unforeseen obstacles to their implementation.

Amendment

(ii) grants to finance actions in the most difficult conditions or situations referred to in Article 2(4) of the EIDHR **and Article 1(2) (a) and (b) of the IfS** where the publication of a call for proposals would be inappropriate. Such grants shall not exceed EUR 2 000 000 and shall have a duration of up to 18 months, which may be extended by a further six months in the case of objective and unforeseen obstacles to their implementation.

Or. en

Amendment 73

Andrzej Grzyb, Pawel Robert Kowal, Marek Siwiec

Proposal for a regulation

Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) under the ENI, under the IfS and under the PI, grants to the European Endowment for Democracy.

Amendment 74
Elmar Brok

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission and the Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot, over all grant beneficiaries, contractors and subcontractors and other third parties who have received Union funds.

Amendment

The Commission and the Court of Auditors shall have the power of audit, ***or verification in accordance with agreements reached with relevant international institutions***, on the basis of documents and on-the-spot, over all grant beneficiaries, contractors and subcontractors and other third parties who have received Union funds.

Amendment 75
Norica Nicolai

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall ensure that precedents of existent and proved cases of corruption, fraud and misuse of funds in any given country or territory will not prevent or deter similar entities to access and receive financing from EU financial instruments in the future, on a case by case basis, provided appropriate punitive as well as verification measures have been taken ensuring tighter controls on the implementation of the actions financed.

Amendment 76
Elmar Brok

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Participation in the award of procurement contracts, grant and other award procedures for actions financed under this Regulation for the benefit of third parties shall be open to all natural persons who are nationals of, and legal persons which are effectively established in, an eligible country as defined for the applicable Instrument in the following Articles of this Title, and to International Organisations.

Amendment

1. Participation in the award of procurement contracts, grant and other award procedures for actions financed under this Regulation for the benefit of third parties shall be open to all natural persons who are nationals of, and legal persons ***such as civil society organisations, including non-governmental non-profit organisations and independent political foundations, community based organisations and private sector non-profit agencies, institutions and organisations and networks thereof at local, national, regional and international level,*** which are effectively established in, an eligible country as defined for the applicable Instrument in the following Articles of this Title, and to International Organisations.

Or. en

Amendment 77
Elmar Brok

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In exceptional and duly justified cases in relation to the strengthening of democracy, the rule of law and the respect of human right, grants shall also be open to entities which do not have legal personality under the applicable national

law, provided that their representatives have the capacity to undertake legal obligations on behalf of that entity and offer guarantee for the protection of the Union's financial interests equivalent to that offered by legal persons.

Or. en

Amendment 78
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. In the case of actions jointly co-financed with a partner, or implemented through one of the entrusted bodies in indirect management, or implemented through a Trust Fund established by the Commission in accordance with the Financial Regulation, countries which are eligible under the rules of that body, as identified in the agreements concluded with the co-financing or implementing body, or determined in the trust fund constitutive act, shall be eligible notwithstanding the specific rules provided for in the following Articles. The co-financing or implementing body shall in addition agree to apply the eligibility rules laid down in this Regulation as specified in the same agreements.

deleted

Or. en

Amendment 79
Franziska Katharina Brantner
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The above is without prejudice to the participation of categories of organisations eligible by nature or by localisation in regard to the objectives of the action to carry out.

Or. en

Amendment 80
Norica Nicolai

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. All supplies and goods purchased under a procurement contract, or in accordance with a grant agreement, financed under this Regulation shall originate from an eligible country. However, ***they may originate from any country*** when the use of the competitive negotiated procedure is allowed. For the purposes of this Regulation, the term ‘origin’ is defined in the relevant Union legislation on rules of origin for customs purposes.

4. All supplies and goods purchased under a procurement contract, or in accordance with a grant agreement, financed under this Regulation shall originate from an eligible country. However, ***this shall not apply*** when the use of the competitive negotiated procedure is allowed, ***which shall be promoted***. For the purposes of this Regulation, the term ‘origin’ is defined in the relevant Union legislation on rules of origin for customs purposes.

Or. en

Amendment 81
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 8 – paragraph 8

Text proposed by the Commission

Amendment

8. Tenderers, applicants and candidates who have been awarded contracts shall respect applicable environmental

8. Tenderers, applicants and candidates who have been awarded contracts shall respect applicable environmental

legislation including multilateral environmental agreements as well as internationally agreed core labour standards

legislation including multilateral environmental agreements as well as internationally agreed core labour standards, *the principles of equality, solidarity and respect for the principles of the United Nations Charter and international law; the universality and indivisibility of human rights and fundamental freedoms and respect for human dignity.*

Or. en

Amendment 82

Marian Harkin, Catherine Bearder, Evgeni Kirilov, Richard Howitt

Proposal for a regulation

Article 8 – paragraph 8

Text proposed by the Commission

8. Tenderers, applicants and candidates who have been awarded contracts shall respect applicable environmental legislation including multilateral environmental agreements *as well as* internationally agreed core labour standards

Amendment

8. Tenderers, applicants and candidates who have been awarded contracts shall respect applicable environmental legislation including multilateral environmental agreements, internationally agreed core labour standards *and the principles of non discrimination and accessibility for people with disabilities.*

Or. en

Amendment 83

Rosa Estaràs Ferragut, José Ignacio Salafranca Sánchez-Neyra, Richard Howitt

Proposal for a regulation

Article 8 – paragraph 8

Text proposed by the Commission

8. Tenderers, applicants and candidates who have been awarded contracts shall respect applicable environmental legislation including multilateral

Amendment

8. Tenderers, applicants and candidates who have been awarded contracts shall respect applicable environmental legislation including multilateral

environmental agreements as well as internationally agreed core labour standards

environmental agreements as well as internationally agreed core labour standards, **and the principles of non discrimination and accessibility for people with disabilities.**

Or. en

Justification

The European Union concluded the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) on 23rd December 2012 and it entered into force for the European Union in January 2011. The conclusion of this Convention means a change in the way that the main policies of the European Union are addressed since the Human Rights approach to disability has to be now a priority of all actions. There are a number of articles in the UNCRPD of utmost importance for the European external action. In particular for this new article is Article 9 on Accessibility which is also linked to Article 32 on International Cooperation. Other important regulations such as the General Regulation for the Structural Funds have included accessibility for people with disabilities as a horizontal criteria. It will be a contradiction for the EU that it preserves accessible criteria for built environment, information, ICT, and so on inside the borders of the European Union while promoting barriers for disabled people outside the EU. It will be also in contradiction with legal obligations coming from the UN CRPD

Amendment 84

Alexander Graf Lambsdorff

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. Under the EIDHR the following bodies and actors shall be eligible for funding in accordance with Articles 4(1) and 6(1) (c):

deleted

(a) civil society organisations, including non-governmental non-profit organisations and independent political foundations, community based organisations and private sector non-profit agencies, institutions and organisations and networks thereof at local, national, regional and international

level;

(b) public sector non profit-agencies, institutions and organisations and networks at local, national, regional and international level;

(c) national, regional and international parliamentary bodies, when this is necessary to achieve the objectives of the instrument and the proposed measure cannot be financed under another Union external assistance instrument;

(d) international and regional inter-governmental organisations;

(e) natural persons, entities without legal personality and, in exceptional and duly justified cases, other bodies or actors not identified in this paragraph, when this is necessary to achieve the objectives of the instrument.

Or. en

Justification

Given the specificity of the EIDHR these provisions have been added to the EIDHR Regulation proper and should thus not be included into the CIR.

Amendment 85

Franziska Katharina Brantner

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

2. Under the EIDHR the following bodies and actors shall be eligible for funding in accordance with Articles 4(1) and 6(1) (c):

Amendment

2. Under the EIDHR *and* the *IfS* the following bodies and actors shall be eligible for funding in accordance with Articles 4(1) and 6(1) (c):

Or. en

Amendment 86
Sabine Lösing

Proposal for a regulation
Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

2. Under the EIDHR the following bodies and actors shall be eligible for funding in accordance with Articles 4(1) **and 6(1) (c)**:

Amendment

2. Under the EIDHR the following bodies and actors shall be eligible for funding in accordance with Articles 4(1):

Or. en

Amendment 87
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 11 – paragraph 2 – point a

Text proposed by the Commission

(a) civil society organisations, including non-governmental non-profit organisations and independent **political** foundations, community based organisations **and private sector non-profit agencies**, institutions and organisations and networks thereof at local, national, regional and international level;

Amendment

(a) civil society organisations, including non-governmental non-profit organisations and independent foundations, community based organisations, institutions and organisations and networks thereof at local, national, regional and international level;

Or. en

Amendment 88
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 11 – paragraph 2 – point e

Text proposed by the Commission

(e) natural persons, **entities without legal**

Amendment

(e) natural persons

personality and, in exceptional and duly justified cases, other bodies or actors not identified in this paragraph, when this is necessary to achieve the objectives of the instrument.

Or. en

Amendment 89

María Muñoz De Urquiza, Ioan Mircea Pașcu

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. The Commission shall regularly monitor and review its actions, and evaluate the results of the implementation of sectoral policies and actions, and the effectiveness of programming, where appropriate by means of independent external evaluations, in order to ascertain whether the objectives have been met and to enable it to formulate recommendations with a view to improving future operations.

Amendment

1. The Commission shall regularly monitor and review its actions, and evaluate the results of the implementation of sectoral policies and actions, and the effectiveness of programming, where appropriate by means of independent external evaluations, in order to ascertain whether the objectives have been met and to enable it to formulate recommendations with a view to improving future operations. ***Those evaluations shall be carried out on the basis of pre-defined, country specific, clear, transparent and measurable indicators and shall be sent to the European Parliament and the Council. Proposals by the European Parliament or the Council for independent external evaluations will be taken into due account.***

Or. en

Amendment 90

Norica Nicolai

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. The Commission shall send its evaluation reports to the European Parliament and to the Council for information. Member States may request to discuss specific evaluations in the Committees referred to in Article 15. The results shall feed back into programme design and resource allocation.

Amendment

2. The Commission shall send its evaluation reports to the European Parliament and to the Council for information. Member States ***or the Parliament*** may request to discuss specific evaluations in the Committees referred to in Article 15. The results shall feed back into programme design and resource allocation.

Or. en

Amendment 91
Norica Nicolai

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. The Commission shall associate to an appropriate extent all relevant stakeholders in the evaluation phase of the Union assistance provided under this Regulation.

Amendment

3. The Commission shall associate to an appropriate extent all relevant stakeholders, ***especially Member States***, in the evaluation phase of the Union assistance provided under this Regulation.

Or. en

Amendment 92
Nadezhda Neynsky

Proposal for a regulation
Article 13 – title

Text proposed by the Commission

Biennial report

Amendment

Biennial report

Or. en

Amendment 93
Nadezhda Neynsky

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. The **biennial** report shall contain information relating to the previous **year** on the measures financed, the results of monitoring and evaluation exercises, the involvement of the relevant partners, and the implementation of budgetary commitments and of payments appropriations. It shall assess the results of the Union's financial assistance, using as far as possible, specific and measurable indicators of its role in meeting the objectives of the Instruments.

Amendment

2. The **biennial** report shall contain information relating to the **two** previous **years** on the measures financed, the results of monitoring and evaluation exercises, the involvement of the relevant partners, and the implementation of budgetary commitments and of payments appropriations. It shall assess the results of the Union's financial assistance, using as far as possible, specific and measurable indicators of its role in meeting the objectives of the Instruments, **including economic development and human rights**.

Or. en

Amendment 94
Nadezhda Neynsky

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. The **biennial** report shall contain information relating to the previous year on the measures financed, the results of monitoring and evaluation exercises, the involvement of the relevant partners, and the implementation of budgetary commitments and of payments appropriations. It shall assess the results of the Union's financial assistance, using as far as possible, specific and measurable indicators of its role in meeting the objectives of the Instruments.

Amendment

2. The **biennial** report shall contain information relating to the previous year on the measures financed, the results of monitoring and evaluation exercises, the involvement of the relevant partners, and the implementation of budgetary commitments and of payments appropriations. It shall assess the results of the Union's financial assistance, using as far as possible, specific and measurable indicators of its role in meeting the objectives of the Instruments.

Or. en

Amendment 95
Norica Nicolai

Proposal for a regulation
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall use its biennial reports as conclusive follow-up tools, producing concrete recommendations and evaluations, with the aim to constantly improve and reshape the implementation of the EU's financial instruments.

Or. en

Amendment 96
Marian Harkin, Catherine Bearder, Richard Howitt

Proposal for a regulation
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Reporting on the Human rights actions and specifically in civil society and implementation of the UNCRPD.

Or. en

Amendment 97
Ana Gomes

Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a
Involvement of civil society

1. The Commission and, in particular, Union delegations in beneficiary countries, shall, whenever possible, take into consideration, in a transparent and verifiable way and through an institutionalised procedure, the positions of civil society organisations in the programming process and shall ensure that adequate steps are taken to enhance the capacities of civil society organisations, particularly at the grassroots level, to play a meaningful part in that process.

2. Civil society organisations shall also be given opportunity to submit written comments.

3. Representatives of civil society shall take part, provided there is no direct conflict of interest, in tenders' evaluation committees and in project evaluations.

4. For the purpose of this Article, civil society organisations shall be selected using transparent and objective criteria.

Or. en

Amendment 98
Alexander Graf Lambsdorff

Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. An observer from the EIB shall take part in the committee's proceedings, with regard to questions concerning the EIB.

Or. en

Amendment 99
Sabine Lösing, Willy Meyer

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. This report shall be submitted to the European Parliament and to the Council, and shall be accompanied ***if appropriate***, by legislative proposals introducing the necessary modifications to the Instruments.

Amendment

2. This report shall be submitted to the European Parliament and to the Council, and shall be accompanied by legislative proposals introducing the necessary modifications to the Instruments.

Or. en

Amendment 100
Nadezhda Neynsky

Proposal for a regulation
Article 16 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By no later than 31 December 2017, the Commission shall produce a document that consolidates information on all funding governed by this Regulation and all external funding within the broad remit, which may not be confined only to funding under Heading 4, and that offers a breakdown of spending by, inter alia, beneficiary country, general area of application of the funds, use of financial instruments, commitments and payments, and level of participation of partners.

Or. en