



2016/0207(COD)

11.5.2017

AMENDMENTS

11 - 109

Draft report

Arnaud Danjean

(PE601.194v01-00)

the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace

Proposal for a regulation

(COM(2016)0447 – C8-0264/2016 – 2016/0207(COD))

Amendment 11
Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

–

Proposal for a rejection

***The European Parliament rejects the
Commission proposal;***

Or. en

Amendment 12
James Carver, Beatrix von Storch, Fabio Massimo Castaldo

Proposal for a regulation

–

Proposal for a rejection

***The European Parliament rejects the
Commission proposal;***

Or. en

Amendment 13
Jean-Luc Schaffhauser

Proposal for a regulation

–

Proposal for a rejection

***The European Parliament rejects the
Commission proposal;***

Or. fr

Amendment 14
Marietje Schaake, Hilde Vautmans

Draft legislative resolution
Citation 6 a (new)

Draft legislative resolution

Amendment

Having regard to Regulation (EU) No 236/2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action,

Or. en

Amendment 15
Jean-Luc Schaffhauser

Draft legislative resolution
Paragraph 2

Draft legislative resolution

Amendment

2. Calls on the Commission to ***refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend*** its proposal;

2. Calls on the Commission ***to withdraw*** its proposal;

Or. fr

Amendment 16
Željana Zovko

Proposal for a regulation
Recital 1

Text proposed by the Commission

Amendment

(1) The ***2005*** European Consensus on Development recognised the link between security ***and development***.¹⁶

(1) The European Consensus on Development recognised ***that*** the link between ***development and security enhances*** security ***capacities to respond to crises, and therefore is a crucial element of the Union's foreign and security policy***.¹⁶

¹⁶ Joint statement by the Council and the

¹⁶ Joint statement by the Council and the

representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy entitled “The European Consensus”, Official Journal, C 46 of 24.2.2006

representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy entitled “The European Consensus”, Official Journal, C 46 of 24.2.2006

Or. en

Amendment 17

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The 2005 European Consensus on Development recognised the link between security and development.¹⁶

¹⁶ Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy entitled “The European Consensus”, Official Journal, C 46 of 24.2.2006

Amendment

(1) The 2005 European Consensus on Development recognised the link between security and development.¹⁶ ***The primary objective of Union development policy is the reduction and, in the long term, the eradication of poverty.***

¹⁶ Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy entitled “The European Consensus”, Official Journal, C 46 of 24.2.2006

Or. en

Justification

It is important to underline that, in line with relevant decisions of the European Court of Justice, measures of a regulation which is based on Article 209 TFEU should implement development policy objectives and that its centre of gravity should therefore be development and not security.

Amendment 18
Paavo Väyrynen

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *The primary objective of Union development policy is the reduction and, in the long term, the eradication of poverty and should be based on development effectiveness principles.*

Or. en

Amendment 19
Arne Lietz, Andrejs Mamikins, Ana Gomes

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *The primary objective of ODA is not to finance security-related instruments.*

Or. en

Justification

Security instruments must be funded by dedicated budget lines for security. The DCI and EDF must fulfil the treaty-based obligation to be used for poverty eradication.

Amendment 20
Arne Lietz, Andrejs Mamikins, Ana Gomes

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The United Nations' 2030 Agenda for Sustainable Development, adopted in September 2015, ***underlines the importance of promoting peaceful and inclusive societies both as a Sustainable Development Goal (SDG 16) and in order to achieve other development policy outcomes.*** SDG 16.a specifically requests to "strengthen relevant national institutions, including through international cooperation, for building capacities at all levels, in particular in developing countries, for preventing violence and combatting terrorism and crime".¹⁷

¹⁷ United Nations, A/RES/70/1, Resolution adopted by the General Assembly on 25 September 2015

Amendment

(2) The United Nations' 2030 Agenda for Sustainable Development, adopted in September 2015, ***outlines the Sustainable Development Goals (SDGs), the first of which is eradication of poverty (SDG 1). SDG 16 underlines the importance of promoting peaceful and inclusive societies.*** SDG 16.a specifically requests to "strengthen relevant national institutions, including through international cooperation, for building capacities at all levels, in particular in developing countries, for preventing violence and combatting terrorism and crime".¹⁷

¹⁷ United Nations, A/RES/70/1, Resolution adopted by the General Assembly on 25 September 2015

Or. en

Amendment 21

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The OECD Development Assistance Committee (DAC) High Level Meeting Communiqué of 19 February 2016 updated the reporting directives on Official Development Assistance (ODA) in the field of peace and security.^{1a} The financing of the actions undertaken in accordance with this Regulation qualifies as ODA when it complies with the eligibility requirements laid down by the Development Assistance Committee of the

OECD. ODA- eligible activities^{1b} involving the partner country's armed forces include : support for civilian oversight and democratic control of the military;; in exceptional circumstances, whenever a specific asset, capability or asset requirement cannot timely or effectively be met by using the available civilian assets, recourse to the military for the delivery of development services is possible provided that the military respects the humanitarian principles of humanity, neutrality, impartiality and independence; and training of partner countries military personnel under civilian oversight and with a clear developmental purpose for the benefit of civilians in the areas of human rights and rule of law, protection of women in conflict and prevention of sexual and gender-based violence, international humanitarian law, prevention and treatment of communicable diseases, the fight against corruption, including the prevention of predatory behaviour against civilians, transparency, respect of civilian oversight and democratic control.

^{1a} Document DCD/DAC(2016)3/FINAL of 8 April 2016.

^{1b} *Ibid*, pages 26-27.

Or. en

Justification

In order to ensure that measures under the new Article 3a on military capacity building do not shift the centre of gravity towards security it is important to specify which activities are eligible under OECD rules.

Amendment 22

James Carver, Beatrix von Storch

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) ***Supporting security sector actors, including the military under exceptional circumstances, in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Those actions are particularly necessary to ensure the protection of civilian populations in the areas affected by conflict, crises or fragility.*** Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, ***and should be promoted through a wider security sector reform support to third countries.***

Amendment

(3) Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context.

Or. en

Amendment 23

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Supporting security sector actors, including ***the military*** under exceptional circumstances, in ***third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Those actions are particularly necessary*** to ensure ***the protection of civilian populations in the areas affected by***

Amendment

(3) Supporting security sector actors, including ***armed forces*** under exceptional circumstances, in ***compliance with the Official Development Aid eligibility requirements as laid down by the Development Assistance Committee of the OECD in third countries in a crisis context, is essential*** to ensure ***appropriate conditions for poverty eradication and development.*** Good governance and

conflict, crises or fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

Or. en

Justification

It is important to clarify that support to armed forces of third countries is only possible under exceptional circumstances and in compliance with ODA eligibility criteria in order to not shift the centre of gravity towards security.

Amendment 24 **Georgios Epitideios**

Proposal for a regulation **Recital 3**

Text proposed by the Commission

(3) ***Supporting security sector actors, including the military under exceptional circumstances, in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Those actions are particularly necessary to ensure the protection of civilian populations in the areas affected by conflict, crises or fragility.*** Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

Amendment

(3) Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

Amendment 25

Željana Zovko

Proposal for a regulation**Recital 3***Text proposed by the Commission*

(3) Supporting security sector actors, including the military under exceptional circumstances, in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Those actions are particularly necessary **to ensure the protection of civilian populations** in the areas affected by conflict, crises or fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

Amendment

(3) Supporting security sector actors, including the military under exceptional circumstances, **such as natural disasters, and where non-military actors do not have the proper response capacities to manage** in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure **the normal functioning of the civilian activities and to ensure** appropriate conditions for poverty eradication and development. Those actions are particularly necessary **in ensuring civil protection, ordinary development and civilian activities** in the areas affected by conflict, crises, **natural disasters** or fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

Or. en

Amendment 26

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation**Recital 3**

Text proposed by the Commission

(3) Supporting **security sector actors, including the military under exceptional circumstances**, in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Those actions are particularly necessary to ensure the protection of civilian populations in the areas affected by conflict, crises or fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a **wider security sector reform** support to third countries.

Amendment

(3) Supporting **public or governmental as well as civil non- governmental sector actors** in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Those actions are particularly necessary to ensure the protection **and support** of civilian populations in the areas affected by conflict, crises or fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a **greater use of civilian cooperation among the Union, the local and regional public or intergovernmental sector as well as NGOs, in order to provide** support to third countries.

Or. en

Amendment 27

Arne Lietz, Andrejs Mamikins, Ana Gomes

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Supporting security sector actors, including the military under exceptional circumstances, in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions **for poverty eradication and** development. Those actions are particularly necessary to ensure the protection of civilian populations in the areas affected by conflict, crises or

Amendment

(3) Supporting security sector actors, including the military under exceptional circumstances, in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions, **including good governance for an effective use of development cooperation, whose main goal is poverty eradication**. Those actions are particularly necessary to ensure the

fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

protection of civilian populations in the areas affected by conflict, crises or fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

Or. en

Amendment 28
Anders Primdahl Vistisen

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Supporting security sector actors, including the military *under exceptional circumstances*, in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Those actions are particularly necessary to ensure the protection of civilian populations in the areas affected by conflict, crises or fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

Amendment

(3) Supporting security sector actors, including the military *where necessitated by the nature of the crisis*, in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Those actions are particularly necessary to ensure the protection of civilian populations in the areas affected by conflict, crises or fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

Or. en

Amendment 29
Paavo Väyrynen

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Supporting security sector actors, including the military under exceptional circumstances, in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Those actions are particularly necessary to ensure the protection of civilian populations in the areas affected by conflict, crises or fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.

Amendment

(3) Supporting security sector actors, including the military under exceptional circumstances, in third countries in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Those actions are particularly necessary to ensure the protection of civilian populations in the areas affected by conflict, crises or fragility. Good governance and effective democratic control and civilian oversight of the security system, including the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning, ***inclusive*** State in any context, and should be promoted through a wider security sector reform support to third countries.

Or. en

Amendment 30

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The Council conclusions on Common Security and Defence Policy (CSDP) of 18 May 2015 called to explore options to enhance coherence and coordination between EU security and development actions, as well as to improve the delivery of capacity building in support of security and development,

Amendment

deleted

notably in terms of financing instruments.¹⁹ They also invited to develop an EU-wide strategic framework for Security Sector Reform, bringing together CSDP and all other relevant Common Foreign and Security Policy (CFSP) tools as well as development cooperation instruments and freedom, security and justice actors.

¹⁹ Foreign Affairs Council (Defence formation) conclusions on CSDP, document 8971/15 of 18 May 2015

Or. en

Justification

This recital gives the impression that the IcSP should be used as tool for the Common Security and Defence Policy (CSDP) and provide military technology and training for CSDP operations. This is not only politically, but also legally speaking highly problematic.

Amendment 31

James Carver, Beatrix von Storch, Fabio Massimo Castaldo

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) The Council conclusions on Common Security and Defence Policy (CSDP) of 18 May 2015 called to explore options to enhance coherence and coordination between EU security and development actions, as well as to improve the delivery of capacity building in support of security and development, notably in terms of financing instruments.¹⁹ They also invited to develop an EU-wide strategic framework for Security Sector Reform, bringing together CSDP and all other relevant Common Foreign and Security Policy (CFSP) tools as well as development cooperation instruments and freedom, security and

deleted

justice actors.

¹⁹ Foreign Affairs Council (Defence formation) conclusions on CSDP, document 8971/15 of 18 May 2015

Or. en

Amendment 32
Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) The Council conclusions on Common Security and Defence Policy (CSDP) of 18 May 2015 called to explore options to enhance coherence and coordination between EU security and development actions, as well as to improve the delivery of capacity building in support of security and development, notably in terms of financing instruments.¹⁹ They also invited to develop an EU-wide strategic framework for Security Sector Reform, bringing together CSDP and all other relevant Common Foreign and Security Policy (CFSP) tools as well as development cooperation instruments and freedom, security and justice actors.

deleted

¹⁹ Foreign Affairs Council (Defence formation) conclusions on CSDP, document 8971/15 of 18 May 2015

Or. en

Amendment 33
Arne Lietz, Andrejs Mamikins, Ana Gomes

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The Council conclusions on Common Security and Defence Policy (CSDP) of 18 May 2015 called to explore options to enhance coherence and coordination between EU security and development actions, as well as to improve the delivery of capacity building in support of security and development, notably in terms of financing instruments.¹⁹ They also invited to develop an EU-wide strategic framework for Security Sector Reform, bringing together CSDP and all other relevant Common Foreign and Security Policy (CFSP) tools as well as ***development cooperation instruments and*** freedom, security and justice actors.

¹⁹ Foreign Affairs Council (Defence formation) conclusions on CSDP, document 8971/15 of 18 May 2015

Amendment

(6) The Council conclusions on Common Security and Defence Policy (CSDP) of 18 May 2015 called to explore options to enhance coherence and coordination between EU security and development actions, as well as to improve the delivery of capacity building in support of security and development, notably in terms of financing instruments.¹⁹ They also invited to develop an EU-wide strategic framework for Security Sector Reform, bringing together CSDP and all other relevant Common Foreign and Security Policy (CFSP) tools as well as freedom, security and justice actors.

¹⁹ Foreign Affairs Council (Defence formation) conclusions on CSDP, document 8971/15 of 18 May 2015

Or. en

Amendment 34
Paavo Väyrynen

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD/DAC), at its High Level Meeting on 19 February 2016, agreed on the revised reporting directives on Official Development Assistance (ODA) in the field of peace and security. Those revised reporting directives recall that the main objective of ODA, which is the promotion

of the economic development and welfare of developing countries, must be considered when assessing ODA eligibility of activities in the field of peace and security. They confirm that the financing of military equipment or services from ODA reporting is excluded in order to avoid channelling ODA funds to the partner countries' militaries, thus strengthening their military capabilities. They also confirm that development cooperation should not be used as a vehicle to promote the provider's security interests. Therefore, even if there is a need for an enhanced coordination between the Union's development and security actions, Union development funds should not be used for activities that are not eligible under ODA.

Or. en

Amendment 35

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Capacity building of armed forces in third countries can only be undertaken as part of the Union's development cooperation policy when it primarily pursues objectives in the field of development in limited areas which comply with Official Development Aid eligibility requirements as laid down by the Development Assistance Committee of the OECD. Capacity-building of armed forces in third countries should be undertaken as part of the Union's CFSP when it primarily pursues objectives in the field of peace and security, in compliance

with Article 40 of the Treaty on European Union (TEU). This Regulation respects the application of the procedures and the extent of the powers of the institutions under the Union's development cooperation policy and its common foreign and security policy (CFSP).

Or. en

Justification

This recital aims clarifying the relationship and competences between CFSP and development policy by complying with relevant European Court of Justice case-law on the centre of gravity. In Case C-377/12 the Court stated that "even if a measure contributes to the economic and social development of developing countries, it does not fall within development cooperation policy if it has as its main purpose the implementation of another policy." And in Case C-130/10 the Court stated that "if examination of a measure reveals that it pursues two aims or that it has two components and if the one of those aims or components is identifiable as the main one (...) the measure must be founded on a single legal basis, that required by the main or predominant aim or component."

Amendment 36

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Articles 209 and 212 of Treaty on the Functioning of the European Union (TFEU) both refer to Article 208 TFEU which clearly states that the "Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries." Any subordination, therefore, of development aid and cooperation under security or defence policy is to be imperatively avoided, and consequently the external financing instruments concerning, including this instrument, are

to be implemented in that spirit.

Or. en

Justification

Non of the Articles to which the Commission's proposal refer to (Art 209 and 212 TFEU) imply or allow in any way the necessity or applicability of using development aid for military purpose/actors but confirm with the reference to Article 208 TFEU that the primary objective of development aid is poverty eradication -therefore Article 209 (1) and 212 (2) must not/cannot apply as legal framework for the amending regulation.

Amendment 37

Javier Nart, Hilde Vautmans

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In light of the terrorist threat of armed groups which have a military structure, it is essential that local armed and security forces have the proper military training and equipment. Consequently, the budgetary prerogatives that are enshrined in Article 41(2) TEU justify creating a legal framework that allow for the provision of the necessary offensive equipment so that those armed and security forces can act and be fully operational.

Or. en

Amendment 38

Marietje Schaake, Hilde Vautmans

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The implementation of this amending Regulation should not in any

way affect the mid-term review or evaluation of the instrument contributing to stability and peace established by Regulation (EU) No 230/2014 or the strategic dialogue on the multi-annual programming under that instrument to be held with the European Parliament.

Or. en

Amendment 39

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) As regards options within the CFSP, the European Parliament resolution of 22 November 2016 on the European Defence Union^{1a} pointed in paragraph 47 to a possible reform of the ATHENA mechanism aiming at enlarging the potential of that mechanism for cost-sharing and common funding, especially with regard to building the capacity of military actors in partner countries (training, mentoring, advice, provision of equipment, infrastructure improvement and other services). A similar mechanism was developed outside of the Union budget by means of the African Peace Facility.

^{1a} *Texts adopted, P8_TA(2016)0435.*

Or. en

Justification

It is important to highlight that within CFSP options are available for implementing military capacity building programs in third countries. One of these options could be to reform the ATHENA mechanism as already promoted and supported by a recent European Parliament resolution.

Amendment 40
Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) *In accordance with Article 41(2) TEU, operating expenditure arising from operations having military or defence implications are not to be charged to the Union budget.*

Or. en

Amendment 41
Marietje Schaake, Hilde Vautmans

Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) *The possibility for Union support to military actors under exceptional circumstances should not in any way change the objectives of this instrument as laid down in Regulation (EU) No 230/2014.*

Or. en

Amendment 42
Bodil Valero
on behalf of the Verts/ALE Group
Fabio Massimo Castaldo
on behalf of the EFDD Group

Proposal for a regulation
Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) *The Council conclusions of 20*

July 2015 on the Action Plan on Human Rights and Democracy 2015 - 2019, in particular the annexed EU Action Plan on Human Rights and Democracy, calls on the Commission, the EEAS and the Council to develop and implement, by 2017, a due diligence policy to ensure that the Union's support to security forces is in compliance with and contributes to the implementation of the Union's human rights policy and is consistent with the promotion, protection and enforcement of international human rights law and international humanitarian law, as applicable.

Or. en

Justification

Prior to the entry into force of the amended IcSP regulation it is of crucial importance that a due diligence policy to ensure that EU support to security forces, under the new Article 3a, is in compliance with the EU human rights policy comes into effect.

Amendment 43

Marietje Schaake, Hilde Vautmans

Proposal for a regulation

Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) Consistent with Regulation (EU) No 236/2014, the European Parliament should exercise the same scrutiny over Union assistance provided to security actors as it exercises over the original assistance arrangements set out under Regulation (EU) No 230/2014.

Or. en

Amendment 44

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) No 230/2014
Article 1 – paragraph 2 – subparagraph 1a

Text proposed by the Commission

Amendment

(1) In Article 1(2) the following subparagraph is added: *deleted*

‘Where Union assistance is provided to the security sector actors, this may also include military actors under exceptional circumstances as provided for in Article 3a, in particular in the context of a wider security sector reform process and/or capacity building in support of security and development in third countries, in line with the overarching objective of achieving sustainable development.’

Or. en

Amendment 45
James Carver, Beatrix von Storch

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) No. 230/2014
Article 1 – paragraph 2 – subparagraph 1a

Text proposed by the Commission

Amendment

Where Union assistance is provided *to the security sector actors*, this may *also* include military actors under *exceptional* circumstances *as provided for in Article 3a, in particular in the context of a wider security sector reform process and/or capacity building in support of security and development in third countries, in line with the overarching objective of achieving sustainable development.*

Where Union assistance is provided this may *not* include military actors under *any* circumstances.

Or. en

Amendment 46

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) No 230/2014

Article 1 – paragraph 2 – subparagraph 1a

Text proposed by the Commission

Where Union assistance is provided to the security sector actors, this may also include ***military actors*** under exceptional circumstances as provided for in Article 3a, in particular in the context of a wider security sector reform process ***and/or capacity building in support of security and development*** in third countries, in line with the overarching objective of achieving sustainable development.

Amendment

Where Union assistance is provided to the security sector actors, this may also include ***armed forces*** under exceptional circumstances ***and shall comply with Official Development Aid (ODA) eligibility requirements as laid down by the Development Assistance Committee of the OECD***, as provided for in Article 3a, in particular in the context of a wider security sector reform process in third countries, in line with the overarching objective of achieving sustainable development.

Or. en

Justification

The term "military actors" is too broad and could allow building the capacity of non-state actors such as militias and warlords. It is of crucial importance to use very precise language when describing recipients of military training or technology by the Union. Only armed forces controlled and financed by a democratically elected government are eligible for very narrowly defined assistance in line with ODA eligibility requirements.

Amendment 47

Paavo Väyrynen

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) n° 230/2014

Article 1 – paragraph 2 – subparagraph 1a

Text proposed by the Commission

Where Union assistance is provided to the

Amendment

Where Union assistance is provided to the

security sector actors, this may also include military actors under exceptional circumstances as provided for in Article 3a, in particular in the context of a wider security sector reform process and/or capacity building in support of security and development in third countries, in line with the overarching objective of achieving sustainable development.

security sector actors, this may also include military actors under exceptional circumstances as provided for in Article 3a, in particular in the context of a wider security sector reform process and/or capacity building in support of security and development in third countries, in line with the overarching objective of achieving sustainable development ***and in compliance with the revised reporting OECD/DAC directives on ODA in the field of peace and security.***

Or. en

Amendment 48

Marietje Schaake, Hilde Vautmans

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) No 230/2014

Article 1 – paragraph 2 – subparagraph 1a

Text proposed by the Commission

Where Union assistance is provided to the security sector actors, this may also include military actors under exceptional circumstances as provided for in Article 3a, in particular in the context of a wider security sector reform process and/or capacity building in support of security and development in third countries, in line with the overarching objective of achieving sustainable development.

Amendment

Where Union assistance is provided to the security sector actors, this may also include military actors under exceptional circumstances as provided for in Article 3a, in particular in the context of a wider security sector reform process and/or capacity building in support of security and development in third countries, in line with the overarching objective of achieving sustainable development ***as well as the other objectives established under Regulation (EU) No 230/2014.***

Or. en

Amendment 49

Jozo Radoš, Ivan Jakovčić

Proposal for a regulation

Article 1 – paragraph 1 – point 1

PE604.681v01-00

26/61

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Text proposed by the Commission

Where Union assistance is provided to the security sector actors, this may also include military actors under exceptional circumstances as provided for in Article 3a, in particular in the context of a wider security sector reform process and/or capacity building in support of security and development in third countries, in line with the overarching objective of achieving sustainable development.

Amendment

Where Union assistance is provided to the security sector actors, this may also include military actors under exceptional circumstances as provided for in Article 3a, in particular in the context of a wider security sector reform process and/or capacity building in support of security, **resilience** and development in third countries, in line with the overarching objective of achieving sustainable development **and maintaining a stable global security landscape**.

Or. en

Justification

Building the resilience in third countries for the benefit of the stable global security landscape is expressively laid down as one of the goals of the EU foreign and security policy in the Global Strategy for the European Union's Foreign and Security Policy.

Amendment 50

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – title

Text proposed by the Commission

Capacity building in support of security and development

Amendment

deleted

Or. en

Amendment 51

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – title

Text proposed by the Commission

Amendment

Capacity building in **support** of security
and development

Capacity building in **the context** of security
sector reform

Or. en

Justification

Any measures in the context of the new Article 3a should be part of a broader Security Sector Reform (SSR) initiative in line with the new EU concept on SSR and relevant SSR measures in the contexts of development cooperation instruments. Such measures should focus on reforming relevant governmental structures in a way that parliamentary oversight, civilian control, transparency, accountability and efficiency are strengthened. Article 3a measure should not be understood as crisis response but as components of a medium and long term structural reform policy.

Amendment 52

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 1

Text proposed by the Commission

Amendment

1. In order to contribute to sustainable development and in particular the achievement of stable, peaceful and inclusive societies, Union assistance under this Regulation may be used to build the capacity of **military** actors in partner countries, under the exceptional circumstances as set out in paragraph 3 of this Article.

1. In order to contribute to sustainable development and in particular the achievement of stable, peaceful and inclusive societies, Union assistance under this Regulation may be used to build the capacity of actors, **including armed forces**, in partner countries, under the exceptional circumstances **and in compliance with Official Development Aid (ODA) eligibility requirements as laid down by**

the Development Assistance Committee of the OECD (OECD/DAC), as set out in paragraph 3 of this Article.

Or. en

Justification

In order to respect the legal constraints of the IcSP regulation's legal base and relevant European Court of Justice case-law on the centre of gravity approach it is important to introduce ODA eligibility requirements. In addition, there is a need to clarify that only armed forces are eligible and not militias and/or warlords.

Amendment 53

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 1

Text proposed by the Commission

1. In order to contribute to sustainable development and in particular the achievement of stable, peaceful and inclusive societies, Union assistance under this Regulation may be used to *build the capacity of military actors in partner countries, under the exceptional circumstances as set out in paragraph 3 of this Article.*

Amendment

1. In order to contribute to sustainable development and in particular the achievement of stable, peaceful and inclusive societies, Union assistance under this Regulation may be used to *prevent conflicts, ensure preparedness to address pre- and post-crisis situations and consolidate peace, guided by the principle of a strict commitment to a purely civilian and non-military approach.*

Or. en

Amendment 54

James Carver, Beatrix von Storch

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 1

Text proposed by the Commission

1. In order to contribute to sustainable development and in particular the achievement of stable, peaceful and inclusive societies, Union assistance under this Regulation *may* be used to build the capacity of military actors in partner countries, under *the exceptional* circumstances *as set out in paragraph 3 of this Article*.

Amendment

1. In order to contribute to sustainable development and in particular the achievement of stable, peaceful and inclusive societies, Union assistance under this Regulation *shall not* be used to build the capacity of military actors in partner countries, under *any* circumstances.

Or. en

Amendment 55

James Carver, Beatrix von Storch

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 2

Text proposed by the Commission

2. *Assistance may cover in particular the provision of capacity building programmes in support of security and development, including training, mentoring and advice, as well as the provision of equipment, infrastructure improvements and provision of other services.*

Amendment

deleted

Or. en

Amendment 56

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 2

Text proposed by the Commission

2. Assistance may cover in particular the ***provision of capacity building programmes in support of security and development, including training, mentoring and advice, as well as the provision of equipment, infrastructure improvements and provision of other services.***

Amendment

2. Assistance may cover in particular ***any of the following measures:***

(a) support for civilian measures related to demobilisation, disarmament and reintegration (DDR), ad hoc tribunals, truth and reconciliation commissions and mechanisms;

(b) support for socio-economic measures to address the impact of displaced populations, including measures addressing the needs of host communities in a situation of critical situation or emerging conflict;

(c) support of international, regional, state and non-governmental organisations, which undertake efforts in and promote confidence building, mediation, reconciliation and dialogue;

(d) support for measures to address the impact on the civilian population of anti-personnel landmines, unexploded ordnance or explosive remnants of war and violent conflicts;

(e) support for measures to combat the trade of small arms and light weapons in particular into conflict regions, including within the UN framework, and in close cooperation with civil society;

(f) support for socio-economic measures to promote ownership, equitable and fair access to, and transparent management of natural resources;

(g) support for measures to help to develop and organise civil society's participation in the political process, in particular measures to promote the

participation of women.

Or. en

Amendment 57

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 2

Text proposed by the Commission

2. Assistance may cover *in particular* the provision of capacity building programmes *in support of security and development*, including training, mentoring and advice, as well as the provision of equipment, infrastructure improvements and provision of other services.

Amendment

2. Assistance may cover the provision of capacity building programmes *under exceptional circumstances in limited areas in compliance with Official Development Aid eligibility requirements laid down by the Development Assistance Committee of the OECD and subject to all conditions and restrictions laid down in Articles 3, 4 and 4a of this Regulation*, including *those on civilian oversight*, training, mentoring and advice *on human rights and the rule of law, civilian oversight and democratic control of the military, protection of women in conflict and prevention of sexual and gender-based violence, international humanitarian law, humanitarian response and disaster relief preparedness, prevention and treatment of communicable diseases, the fight against corruption, including prevention of predatory behaviour against civilians and transparency*, as well as the provision of equipment, infrastructure improvements and provision of other *services needed for the delivery of humanitarian aid or development services through the military, which respects the humanitarian principles of humanity, neutrality, impartiality and independence in the*

development services.

Or. en

Justification

In order to avoid funding of measures which are non-compliant with ODA eligibility requirements, there is the need to list all relevant activities. Also reference to the new Article 4a is crucial as this Article sets the parameters for action in a very precise manner.

Amendment 58

Jozo Radoš, Ivan Jakovčić

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 2

Text proposed by the Commission

2. Assistance may cover in particular the provision of capacity building programmes in support of security and development, including training, mentoring and advice, as well as the provision of equipment, infrastructure improvements and provision of other services.

Amendment

2. Assistance may cover in particular the provision of capacity building programmes in support of security and development, including training, mentoring and advice, as well as the provision of equipment, *paying attention to the adopted provisions on dual-use items as defined in Article 2(1) of Council Regulation (EC) No 428/2009^{1a}*, infrastructure improvements and provision of other services.

^{1a} Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ L 134, 29.5.2009, p. 1).

Or. en

Justification

Necessary to be in line with the adopted provisions for the control of exports, transfer, brokering, technical assistance and transit of dual-use items.

Amendment 59

Željana Zovko

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 2

Text proposed by the Commission

2. Assistance may cover in particular the provision of capacity building programmes in support of security and development, including training, mentoring and advice, as well as the provision of equipment, infrastructure improvements **and provision of other services**.

Amendment

2. Assistance may cover in particular the provision of capacity building programmes in support of security and development, including training, mentoring and advice, as well as the provision of **non-lethal technology and** equipment, infrastructure improvements.

Or. en

Justification

It's needed to specify that assistance is for non-combat technology (non-lethal) and equipment.

Amendment 60

Arne Lietz, Andrejs Mamikins, Ana Gomes

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 2

Text proposed by the Commission

2. Assistance **may cover in particular the provision of** capacity building programmes in support of security and development, including training, mentoring and advice, as well as the provision of equipment, infrastructure improvements and provision of other services.

Amendment

2. Assistance **is eligible to cover** capacity building programmes in support of security and development, including training, mentoring and advice, as well as the provision of equipment, infrastructure improvements and provision of other services.

Or. en

Justification

Parliament asks for a closed positive list of activities eligible for assistance under the IcSP.

Amendment 61

Arne Lietz, Andrejs Mamikins, Ana Gomes

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 2a (new)

Text proposed by the Commission

Amendment

2a. The services whose provision shall be eligible for financial assistance under this instrument are listed in the Annex.

The Commission is empowered to adopt delegated acts in accordance with Article ... concerning amendments to the list of eligible services contained in the Annex.

Or. en

Justification

The provision of services eligible for financial assistance under this Instrument should be limited to a closed list. The Commission should be able to amend and update this list through delegated acts, which provides an efficient mechanism with parliamentary and Member State oversight.

Amendment 62

Paavo Väyrynen

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Capacity-building actions shall be designed so as to fulfil the ODA eligibility requirements laid down by the Development Assistance Committee of the

Amendment 63

Arne Lietz, Andrejs Mamikins, Ana Gomes

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The funding for this instrument shall come from instruments other than the Development Cooperation Instrument (DCI), or the European Development Fund (EDF) or any other mechanisms that benefits from those instruments.

Or. en

Justification

Security instruments must be funded by dedicated budget lines for security. The DCI and EDF must fulfil the treaty-based obligation to be used for poverty eradication.

Amendment 64

James Carver, Beatrix von Storch

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 3

Text proposed by the Commission

Amendment

3. Assistance pursuant to this Article shall only be provided: ***deleted***

(a) where requirements cannot be met by recourse to non-military actors to adequately reach Union objectives under this Regulation and the premise of the achievement of stable, peaceful and

inclusive societies is denied by a serious threat to the existence of functioning State institutions, as well as to the protection of human rights and fundamental freedoms, or State institutions can no longer cope with this serious threat; and

(b) where a consensus exists between the country concerned and the international community and/or the European Union that the security sector, and in particular the military, are key for stability, peace and development, particularly in crises and fragile contexts and situations.

Or. en

Amendment 65

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 3

Text proposed by the Commission

Amendment

3. Assistance pursuant to this Article shall only be provided: *deleted*

(a) where requirements cannot be met by recourse to non-military actors to adequately reach Union objectives under this Regulation and the premise of the achievement of stable, peaceful and inclusive societies is denied by a serious threat to the existence of functioning State institutions, as well as to the protection of human rights and fundamental freedoms, or State institutions can no longer cope with this serious threat; and

(b) where a consensus exists between the country concerned and the international community and/or the European Union that the security sector,

and in particular the military, are key for stability, peace and development, particularly in crises and fragile contexts and situations.

Or. en

Amendment 66

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 3

Text proposed by the Commission

3. Assistance pursuant to this Article shall *only* be provided:

Amendment

3. Assistance pursuant to this Article shall *remain exceptional and shall* be provided *in compliance with the following conditions*:

Or. en

Justification

The language has to be more precise and specify that these measures are exceptional and only possible under two conditions.

Amendment 67

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 3 – point a

Text proposed by the Commission

(a) where requirements cannot be met **by recourse to non-military actors to adequately reach Union objectives under this Regulation and the premise of the achievement of stable, peaceful and inclusive societies is denied by a serious threat to the existence of functioning State institutions, as well as to the protection of human rights and fundamental freedoms, or State institutions can no longer cope with this serious threat;** and

Amendment

(a) where requirements cannot **timely or effectively** be met **by using available civilian assets to guarantee the delivery of humanitarian aid or development services and recourse to the military for the delivery of development services still respects the humanitarian principles of humanity, neutrality, impartiality and independence of development services;** and

Or. en

Justification

The original Commission text was not entirely in line with the ODA eligibility requirements and needs to be adapted in order to respect the centre of gravity of the IcSP regulation.

Amendment 68

Željana Zovko

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 3 – point a

Text proposed by the Commission

(a) where **requirements cannot be met by recourse to non-military actors to adequately reach Union objectives under this Regulation and the premise of the achievement of** stable, peaceful and inclusive societies **is denied by a** serious threat to the existence of functioning State institutions, as well as to the protection of human rights and fundamental freedoms, or State institutions can no longer cope with this serious threat; and

Amendment

(a) where **non-military actors are unable to prepare in an adequate way to reach objectives for** stable, peaceful and inclusive societies **due to a** serious threat to the existence of functioning State institutions **or an imminent threat of conflict**, as well as to the protection of human rights and fundamental freedoms, or State institutions **and ordinary civilian activities** can no longer cope with this serious threat; and

Or. en

Justification

Need for better clarification of extraordinary situations.

Amendment 69
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) where a prior feasibility check has been carried out by an approved international body and a proven need for assistance is established

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout the text.)

Or. el

Justification

In order to ensure the cohesion of the action framework

Amendment 70
Bodil Valero
on behalf of the Verts/ALE Group
Fabio Massimo Castaldo
on behalf of the EFDD Group

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) where a consensus exists between the country concerned **and** the international community **and/or** the **European** Union that the security sector, **and in particular**

(b) where a consensus exists between the country concerned, the international community **and** the Union that the security sector, **including the country's armed**

the military, are key for stability, peace and development, particularly in crises and fragile contexts and situations.

forces, are key for preserving, establishing or re-establishing the conditions essential for sustainable development.

Or. en

Justification

According to the case-law on the centre of gravity a measure cannot have three objectives.

Amendment 71
Georgios Epitideios

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 3 – point b

Text proposed by the Commission

(b) where a consensus exists between the country concerned and the international community *and/or* the European Union that the security sector, and in particular the military, are key for stability, peace and development, particularly in crises and fragile contexts and situations.

Amendment

(b) where a consensus exists between the country concerned and the international community, European Union *and its Member States* that the security sector, and in particular the military, are key for stability, peace and development, particularly in crises and fragile contexts and situations.

This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout the text.)

Or. el

Justification

In order to ensure the cohesion of the action framework

Amendment 72
Marietje Schaake, Hilde Vautmans

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

Regulation (EU) No 230/2014
Article 3a – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where prior to the granting of such Union assistance to military actors, a risk assessment has been carried out by the relevant missions and delegations in the country concerned and, where relevant, independent experts, to ensure that Union assistance will not in any way violate or be used to violate the fundamental principles laid down in Article 21 TEU.

Or. en

Amendment 73
Andrejs Mamikins

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4

Text proposed by the Commission

Amendment

4. Union assistance shall not be used to finance:

4. Union assistance ***under this Regulation*** shall not be used to finance:

Or. en

Justification

Aims to precise that Union assistance in question is under this Regulation.

Amendment 74
Anders Primdahl Vistisen

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) **recurrent** military expenditure;

(a) military expenditure *in excess of what is required for resolving crisis and instability*;

Or. en

Amendment 75
Andrejs Mamikins

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) recurrent military expenditure;

(a) recurrent military expenditure,
including salaries;

Or. en

Justification

Aims to clarify the restrictions of the Union's assistance.

Amendment 76
Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) **recurrent** military expenditure;

(a) military expenditure;

Or. en

Amendment 77
Anders Primdahl Vistisen

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) the procurement of arms and ammunition;

deleted

Or. en

Amendment 78
Bodil Valero
on behalf of the Verts/ALE Group
Fabio Massimo Castaldo
on behalf of the EFDD Group

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) the procurement of arms and ammunition;

(b) the procurement of arms, *spare parts* and ammunition *or any other equipment designed to deliver lethal force*;

Or. en

Justification

Arms and ammunition do not cover very well all lethal equipment which should be excluded.

Amendment 79
Andrejs Mamikins

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) the procurement of arms and ammunition;

(b) the procurement of arms, ***their spare parts*** and ammunition;

Or. en

Justification

Aims to clarify the restrictions of the Union's assistance.

Amendment 80

Jozo Radoš, Ivan Jakovčić

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) uncontrolled and unregulated dual-use items as defined in Article 2(1) of Regulation (EC) No 428/2009;

Or. en

Justification

Necessary to be in line with the adopted provisions for the control of exports, transfer, brokering, technical assistance and transit of dual-use items.

Amendment 81

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) training which is solely designed to contribute to the fighting capacity of the ***deleted***

armed forces.

Or. en

Amendment 82
Andrejs Mamikins

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) *training which is solely designed to contribute to the fighting capacity of the armed forces.*

(c) *military training.*

Or. en

Justification

Aims to put the restriction on all kinds of military trainings.

Amendment 83
Bodil Valero
on behalf of the Verts/ALE Group
Fabio Massimo Castaldo
on behalf of the EFDD Group

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) training which is *solely* designed to contribute to the fighting capacity of the armed forces.

(c) training which is designed to contribute to the fighting capacity of the armed forces *or to any purposes other than those in compliance with Official Development Aid eligibility requirements as defined by the Development Assistance Committee of the OECD;*

Or. en

Justification

As fighting capacity is not a very precise term it is important to introduce a link to relevant language already developed in the context of OECD.

Amendment 84

Anders Primdahl Vistisen

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 4 – point c

Text proposed by the Commission

(c) training which is solely designed to contribute to the fighting capacity of the armed forces.

Amendment

(c) training which is solely designed to contribute to the fighting capacity of the armed forces ***beyond that which is necessary to combat instability and threats to security;***

Or. en

Amendment 85

Paavo Väyrynen

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 4 – point c

Text proposed by the Commission

(c) training which is ***solely*** designed to contribute to the fighting capacity of the armed forces.

Amendment

(c) training which is designed to contribute ***specifically*** to the fighting capacity of the armed forces.

Or. en

Amendment 86

James Carver, Beatrix von Storch

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 3 – point c

Text proposed by the Commission

(c) training which is *solely* designed to contribute to the fighting capacity of the armed forces.

Amendment

(c) training which is designed to contribute to the fighting capacity of the armed forces.

Or. en

Amendment 87
Anders Primdahl Vistisen

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) in the context of financial aid delivered through the instrument contributing to stability and peace, any activity not required for the promotion of peace and stability as provided for by that instrument.

Or. en

Amendment 88
Andrejs Mamikins

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Support to military actors under this Regulation shall be subject to the following restrictions:

- (a) *in the case of developing countries (i.e., those countries eligible for Official Development Aid (ODA) as defined by the Development Assistance Committee of the OECD), Union assistance shall be limited to activities having development as their primary objective, including the promotion of human rights, good governance and democratic principles;*
- (b) *in all cases, in developing or other third countries, Union assistance shall exclude actions aiming at building military capacities for security purposes.*

Or. en

Justification

Aims to better clarify the extraordinary situations when the Instrument could be used, by underlying that the activities financed should have as primary objective the development. As well, the assistance should exclude actions aiming at building military capacities for security purposes, considering as well the provisions of the Treaties.

Amendment 89

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Support to armed forces under this Regulation shall be subject to the following restrictions:*

- (a) *in the case of developing countries, Union support shall comply with Official Development Aid eligibility requirements as defined by the Development Assistance Committee of the OECD;*

(b) in all cases, in developing or other third countries, it shall exclude actions that are primarily aimed at building military capacities for security purposes.

Or. en

Justification

This new paragraph 4a specifies the restrictions applying to developing and other third countries. In the case of developing countries only ODA eligible support is possible, whereas with regards to other third countries measure have to respect the centre of gravity principle established by the European Court of Justice case-law.

Amendment 90

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 5

Text proposed by the Commission

Amendment

5. *When designing and implementing measures pursuant to this Article, the Commission shall promote ownership by the partner country. It shall also develop the necessary elements and the good practices required for ensuring sustainability in the medium and long term and promote the rule of law and established international law principles.* **deleted**

Or. en

Amendment 91

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Text proposed by the Commission

5. When designing and implementing measures pursuant to this Article, the Commission shall promote ownership by the partner country. It shall also develop the necessary elements and the good practices required for ensuring sustainability in the medium and long term and promote the rule of law and established international law principles.

Amendment

5. When designing and implementing measures pursuant to this Article, the Commission **and the EEAS** shall **ensure full complementarity with other Union external assistance instruments as well as overall external action consistency, including with the CFSP, and** promote ownership by the partner country. It shall also develop the necessary elements and the good practices required for ensuring sustainability in the medium and long term and promote the rule of law and established international law principles.

Or. en

Justification

There is the need to refer to complementarity and consistency with other Union external assistance instruments, be they CFSP or DCI.

Amendment 92
Anders Primdahl Vistisen

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 5

Text proposed by the Commission

5. When designing and implementing measures pursuant to this Article, the Commission shall promote ownership by the partner country. It shall also develop the necessary elements and the good practices required for ensuring sustainability in the medium and long term and promote the rule of law and established international law principles.

Amendment

5. When designing and implementing measures pursuant to this Article, the Commission shall promote ownership by the partner country. It shall also develop the necessary elements and the good practices required for ensuring sustainability in the medium and long term and promote the rule of law and established international law principles, **within a reasonable budgetary framework that is complementary to the investment of**

partner countries themselves.

Or. en

Amendment 93
Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission shall establish appropriate risk assessment, monitoring and evaluation procedures for measures pursuant to this Article.

deleted

Or. en

Amendment 94
Bodil Valero
on behalf of the Verts/ALE Group
Fabio Massimo Castaldo
on behalf of the EFDD Group

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) No 230/2014
Article 3a – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission shall establish appropriate risk assessment, monitoring and evaluation procedures for measures pursuant to this Article.

6. The Commission shall establish appropriate risk assessment, monitoring and evaluation procedures for measures pursuant to this Article *and, without delay, shall make that information publicly available.*

Or. en

Justification

Because of the highly sensitive nature of supporting a third country's armed forces via civilian budget-lines it is of utmost importance to ensure maximum transparency.

Amendment 95

Marietje Schaake, Hilde Vautmans

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The funding of security actors shall be accompanied by measures to ensure full democratic, financial and judicial oversight and accountability of those actors and those under their command and/or control in order to ensure compliance with Union and international human rights law and humanitarian law.

Or. en

Amendment 96

Marietje Schaake, Hilde Vautmans

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) No 230/2014

Article 3a – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. The Commission shall hold regular meetings with the beneficiaries of the measures under this Article in order to ensure financial, civil and, where necessary, criminal accountability for the actions undertaken with the funds received, as well as to promote good practices and effectiveness of the

measures provided. The Commission shall communicate the outcomes of those meetings to the European Parliament.

Or. en

Amendment 97

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) No 230/2014

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

(3) *In Article 7, paragraph (1) is replaced by the following:* **deleted**

‘1. Union assistance pursuant to Article 3, and to Article 3a as appropriate, shall be provided through exceptional assistance measures and interim response programmes.’

Or. en

Amendment 98

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) No 230/2014

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

(3) *In Article 7, paragraph (1) is replaced by the following:* **deleted**

1. Union assistance pursuant to Article 3, and to Article 3a as appropriate, shall be provided through exceptional

assistance measures and interim response programmes.

Or. en

Justification

Decisions with regards to the new Article 3a on military capacity building should not be reached by using the procedures foreseen for Article 3 of this Regulation which are designed for fast track decisions for urgent exceptional assistance measures. The procedure for Article 3 does not involve the European parliament, whereas the procedure for Article 4 and 5 does.

Amendment 99

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) No 230/2014

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

(4) In Article 8, paragraph (1) is replaced by the following: *deleted*

‘1. Thematic strategy papers shall constitute the general basis for the implementation of assistance pursuant to Articles 4 and 5, and to Article 3a as appropriate. Thematic strategy papers shall provide a framework for cooperation between the Union and the partner countries or regions concerned.’

Or. en

Amendment 100

James Carver, Beatrix von Storch

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) No 230/2014

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

(4) In Article 8, paragraph (1) is replaced by the following: *deleted*

‘1. Thematic strategy papers shall constitute the general basis for the implementation of assistance pursuant to Articles 4 and 5, and to Article 3a as appropriate. Thematic strategy papers shall provide a framework for cooperation between the Union and the partner countries or regions concerned.’

Or. en

Amendment 101

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) No 230/2014

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. Thematic strategy papers shall constitute the general basis for the implementation of assistance pursuant to Articles 4 and 5, and to Article 3a **as appropriate**. Thematic strategy papers shall provide a framework for cooperation between the Union and the partner countries or regions concerned.

1. Thematic strategy papers shall constitute the general basis for the implementation of assistance pursuant to Articles 4 and 5, and to Article 3a. Thematic strategy papers shall provide a framework for cooperation between the Union and the partner countries or regions concerned.

Or. en

Justification

The procedure foreseen for Articles 4 and 5 of this Regulation is the appropriate procedure for the new Article 3a. This procedure guarantees that the Parliaments is involved in the process and that military capacity building measures are designed as so called long term measures which address structural problems in the context of a wider Security Sector Reform effort.

Amendment 102

Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) No 230/2014

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

(5) In Article 10, paragraph (1) is replaced by the following:

deleted

‘1. The Commission shall ensure that measures adopted under this Regulation in relation to the fight against terrorism and organised crime, as well as measures covered under Article 3a, are implemented in accordance with international law, including international humanitarian law. ’

Or. en

Amendment 103

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) No 230/2014

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall ensure that measures adopted under this Regulation in relation to the fight against terrorism and organised crime, as well as measures covered under Article 3a, are implemented in accordance with international law, including international humanitarian law.

1. The Commission shall ensure that measures adopted under this Regulation in relation to the fight against terrorism and organised crime, as well as measures covered under Article 3a, are implemented in accordance with international law, including international humanitarian law, ***and the Union's due diligence policy to ensure that Union's support to security***

forces is in compliance with and contributes to the implementation of Union's human rights policy and is consistent with the promotion, protection and enforcement of international human rights law and international humanitarian law. The Commission shall, without delay, make relevant assessments publicly available.

Or. en

Justification

The Regulation has to be aligned with the Council conclusions on the Action Plan on Human Rights and Democracy 2015 - 2019 of 20 July 2015, in particular the annexed EU Action Plan on Human Rights and Democracy and its point 21(c) which refers to a due diligence policy in the context of EU support to security forces.

Amendment 104

Paavo Väyrynen

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) No 230/2014

Article 10 – paragraph 1

Text proposed by the Commission

1. The Commission shall ensure that measures adopted under this Regulation in relation to the fight against terrorism and organised crime, as well as measures covered under Article 3a, are implemented in accordance with international law, including international humanitarian law.

Amendment

1. The Commission shall ensure that measures adopted under this Regulation in relation to the fight against terrorism and organised crime, as well as measures covered under Article 3a, are implemented in accordance with *the "do no harm" principle as well as with* international law, including international humanitarian *law and human rights* law.

Or. en

Amendment 105

Hilde Vautmans, Marietje Schaake

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation No 230/2014
Article 10 – paragraph 1

Text proposed by the Commission

1. The Commission shall ensure that measures adopted under this Regulation in relation to the fight against terrorism and organised crime, as well as measures covered under Article 3a, are implemented in accordance with international law, **including** international humanitarian law.

Amendment

1. The Commission shall ensure that measures adopted under this Regulation in relation to the fight against terrorism and organised crime, as well as measures covered under Article 3a, are implemented in accordance with international law, **in particular** international humanitarian law **and human rights law**.

Or. en

Amendment 106
Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation No 230/2014
Article 13 – paragraph 1

Text proposed by the Commission

(6) In paragraph 1 of Article 13:
The number ‘2 338 719 000’ is replaced by ‘2 438 719 000’.

Amendment

deleted

Or. en

Amendment 107
James Carver, Beatrix von Storch

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EU) No 230/2014
Article 13 – paragraph 1

Text proposed by the Commission

The number ‘2 338 719 000’ is replaced by ‘**2 438 719 000**’.

Amendment

The number ‘2 338 719 000’ is replaced by ‘**0**’.

Amendment 108

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

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

Regulation (EU) No 230/2014

Article 13 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(6a) In Article 13(3) the following point is added:

“(ba) 21 percentage points of the financial envelope shall be allocated to measures falling under Article 5”

Or. en

Justification

In Article 13 of this Regulation it is specified that Article 3 measures can consume 70% of the financial envelope and Article 4 measures 9%. In order to make sure that Article 5 continues to receive at least 21% it is important to add this language. Otherwise there is the risk that the new Article 3a consumes not only EUR 100 Million but also funding foreseen, but not properly earmarked, for Article 5.

Amendment 109

Bodil Valero

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo

on behalf of the EFDD Group

Proposal for a regulation

Article 1 – paragraph 1 – point 6 b (new)

Regulation (EU) No 230/2014

Article 13 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(6b) In Article 13(3) the following point is added:

“(bb) Assistance falling under Article 3a shall be limited to a maximum of EUR 100 000 000.”

Or. en

Justification

It is important to guarantee that as a result of the introduction of the new Article 3a on military capacity building, funds available for the already existing Articles 3, 4 and 5 are not being reduced.