



EUROPEAN PARLIAMENT

2014 - 2019

---

*Committee on Foreign Affairs*

---

**2014/0180(COD)**

13.11.2014

# **DRAFT OPINION**

of the Committee on Foreign Affairs

for the Committee on Budgets

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU, EURATOM) No 966/2012 on the financial rules applicable to the general budget of the Union (COM(2014/0358) – C8-0029/2014 – 2014/0180(COD))

Rapporteur: Christian Ehler

PA\_Legam

## SHORT JUSTIFICATION

The Commission has presented to the European Parliament and the Council a proposal aimed at aligning the financial regulation with the provisions of new directives on public procurement and on award of concession contracts. This proposal includes a modification of Article 190 on "external action procurement", which is of relevance for the Committee on Foreign Affairs.

Indeed, the obligation to apply general EU procurement rules to the crisis management measures under the Common Foreign and Security Policy, and in particular the civilian missions under the Common Security and Defence policy (CSDP), is the source of significant delays in procuring essential equipment and services with a considerable negative effect on the missions' functioning.

As a rule, CSDP missions have to operate in a crisis environment and within a limited period of time. They are launched by a unanimous Council Decision, recognising that an urgent response to a crisis is needed. Nevertheless, applying existing financial rules, designed for a functioning European internal market rather than for crisis situations in countries like Mali or South Sudan, often means that essential materials are delivered more than six months after a tender is launched.

The EU's credibility on the international scene is at stake here, in moments when the Union takes on important commitments for peace and security, like in Georgia in 2008. It is often also the security of its personnel which is at stake, lacking essential equipment such as armoured vehicles. This dangerous inefficiency was denounced by the Court of Auditors in its 2012 special report on the EU support for Kosovo, which concluded that the procurement rules laid down in the financial regulation "are not designed for CSDP missions... where fast and flexible responses are sometimes necessary".

The Committee on Foreign Affairs therefore believes that specific rules should be introduced for CSDP missions, which by definition operate in crisis or post-crisis environments. This is in line with the European Council conclusions of December 2013, which invited "the Commission, the High Representative and the Member States to ensure that the procedures and rules for civilian missions enable the Union to be more flexible and speed up the deployment of EU civilian missions".

While the Committee supports any efforts to increase efficiency under the current rules, it takes the view that only a specific set of rules with more flexible procedures, moving away from the current case-by-case approach, can ensure a fast deployment in line with logistical needs and security requirements. Such rules would ensure adequate protection of the Union's financial interests in the context of the pursuit of the EU's key security objectives, responding better to the imperative of sound, effective and efficient financial management as a result.

Furthermore, other amendments of the financial regulation would be appropriate to increase the efficiency of CSDP missions, which the Parliament however cannot address within the context of this proposal. In particular, the Commission should consider amending Article 56 in order to allow the delegation of budget implementation powers to the Civilian Operation Commander in the same way that it has done for Heads of EU Delegations. Such a

modification would enhance the speed and flexibility of the establishment and functioning of CSDP missions, allowing them to fulfil their mandate in a manner that is more efficient and better adapted to the crisis environments in which they operate.

## AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Budgets, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

#### Article 1 – paragraph 13

Regulation (EU, EURATOM) No 966/2012

Article 190 – paragraph 1

#### *Text proposed by the Commission*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 210 concerning detailed rules on external action procurement.

#### *Amendment*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 210 concerning detailed rules on external action procurement. ***These rules shall include specific provisions on procurement related to missions under the Common Security and Defence Policy (CSDP) in order to guarantee the rapid and flexible conduct of operations, establishing, in particular, adapted fast-track procedures to be applied to all CSDP missions.***

Or. en

#### *Justification*

*CSDP missions by definition operate in crisis or post-crisis environments and within a limited period of time. General EU procurement rules are not adapted to these situations and their application is the source of significant delays and inefficiencies. Case-by-case application of existing flexibility provisions does not address the issue sufficiently. Specific rules should therefore be adopted, by means of a delegated act, taking into due account the specificities of civilian crisis management.*