

P7_TA(2010)0378

Instrument for Stability *I**

European Parliament legislative resolution of 21 October 2010 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1717/2006 establishing an Instrument for Stability (COM(2009)0195 – C7-0042/2009 – 2009/0058(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0195),
 - having regard to Article 251(2) and Articles 179(1) and 181a of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0042/2009),
 - having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
 - having regard to Article 294(3) and Articles 209(1) and 212 of the Treaty on the Functioning of the European Union,
 - having regard to the judgment of the Court of Justice of 20 May 2008 in Case C-91/05 *Commission v Council*, annulling Council Decision 2004/833/CFSP of 2 December 2004 implementing Joint Action 2002/589/CFSP with a view to a European Union contribution to ECOWAS in the framework of the Moratorium on Small Arms and Light Weapons,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A7-0066/2009),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**Position of the European Parliament adopted at first reading on 21 October 2010
with a view to the adoption of Regulation (EU) No .../2010 of the European
Parliament and of the Council amending Regulation (EC) No 1717/2006
establishing an Instrument for Stability**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN
UNION,

Having regard to the Treaty on the Functioning of the European Union, and in
particular Articles 209(1) and 212 thereof,

Having regard to the proposal from the European Commission,

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

- (1) Regulation (EC) No 1717/2006 of the European Parliament and of the Council
of 15 November 2006 establishing an Instrument for Stability² was designed
with the objective of enabling the Community to give a consistent and
integrated response to situations of crisis or emerging crisis, using a single legal
instrument with simplified decision-making procedures.

¹ Position of the European Parliament of 21 October 2010.

² OJ L 327, 24.11.2006, p. 1.

- (2) The review under Article 25 of Regulation (EC) No 1717/2006 concludes that it is appropriate to propose certain amendments to the Regulation.
- (3) Regulation (EC) No 1717/2006 needs to be brought into line with the judgment of the Court of Justice of the European Communities (Grand Chamber) of 20 May 2008¹, in which it was held that measures to combat the proliferation and illicit use of, and access to, small arms and light weapons may be implemented by the Community under its development policy, and thus under Regulation (EC) No 1717/2006.
- (4) The pursuit of the objectives set out in point (3) of Article 4 of Regulation (EC) No 1717/2006 and consistency should be improved by allowing participation in the award of procurement or grant contracts under point (3) of Article 4 of that Regulation on a global basis, as is already the case for measures under Article 3, so as to bring the provisions on participation and rules of origin for assistance to crisis response into line with those on crisis preparedness.
- (5) *The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of Multi-country Strategy Papers, Thematic Strategy Papers and Multi-annual Indicative Programmes, as these supplement Regulation (EC) No 1717/2006 and are of general application. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.*

¹ Case C-91/05 *Commission v Council* [2008] ECR I-3651.

- (6) The share of the financial envelope provided for in Article 24 of Regulation (EC) No 1717/2006 for measures under point (1) of Article 4 of that Regulation has proven to be inadequate and should be increased. The areas covered are numerous, and even with multi-purpose programmes only a few can be handled effectively with the scarce resources available. Developing effective actions in the areas of critical infrastructure, public health risks, and global responses to trans-regional threats requires more substantial measures to achieve real impact, visibility and credibility. In addition, developing trans-regional actions which are complementary to national and regional envelopes requires an appropriate level of funding to reach a critical mass. The maximum percentage allocated under the overall financial envelope for measures falling under point (1) of Article 4 of Regulation (EC) No 1717/2006 should be raised from 7 % to 10 % in order to enable the objectives set out in point (1) of Article 4 of that Regulation to be further met.
- (7) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (8) Regulation (EC) No 1717/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1717/2006 is hereby amended as follows:

(1) in Article 3(2), point (i) is replaced by the following:

“(i) support for measures to combat, within the framework of Union cooperation policies and their objectives, the illicit use of and access to small arms and light weapons; such support could also include survey activities, victim assistance, raising public awareness and the development of legal and administrative expertise and good practice;”;

(2) Article 4 is amended as follows:

(a) in point (1), *the first paragraph of* point (a) is replaced by the following:

“(a) strengthening the capacity of law enforcement and judicial and civil authorities involved in the fight against terrorism and organised crime, including illicit trafficking of people, drugs, firearms, small arms and light weapons **and** explosive materials and in the effective control of illegal trade and transit.”;

(b) *in point (3), first paragraph, the following point is added:*

“(c) *developing and organising civil society and its participation in the political process, including measures to enhance the role of women in such processes and measures to promote independent, pluralist and professional media.*”;

(c) *in point (3), the following paragraph is added:*

“Measures under this point may be implemented, if appropriate, by means of the EU Peace-building Partnership.”;

(3) *in Article 6, paragraphs 3 and 4 are replaced by the following:*

“3. Where an Exceptional Assistance Measure is costing more than EUR 20 000 000, that measure shall be adopted by the Commission taking into account the opinions of the European Parliament and of the Council.

4. The Commission may adopt Interim Response Programmes with a view to establishing or re-establishing the essential conditions necessary for the effective implementation of the Union's external cooperation policies. Interim Response Programmes shall build on Exceptional Assistance Measures. They shall be adopted by the Commission taking into account the opinions of the European Parliament and of the Council.”;

(4) *Article 7 is amended as follows:*

(a) *paragraph 3 is replaced by the following:*

“3. Multi-country and Thematic Strategy Papers, and any revisions or extensions thereof, shall be adopted by the Commission by means of delegated acts in accordance with the procedure set out in Article 22, and subject to the conditions laid down in Articles 22a and 22b. They shall cover an initial period of no longer than the period of application of this Regulation and shall be reviewed at the mid-point.”;

(b) *paragraph 7 is replaced by the following:*

“7. Multi-annual Indicative Programmes, and any revisions or extensions thereof, shall be adopted by the Commission by means of delegated acts in accordance with the procedure set out in Article 22, subject to the conditions laid down in Articles 22a and 22b. They shall be established, where appropriate, in consultation with the partner countries or regions concerned.”;

(5) *Article 8(3) is replaced by the following:*

“3. Annual Action Programmes and any revision or extension thereof shall be adopted by the Commission taking into account the opinions of the European Parliament and of the Council.”;

(6) *in Article 9, paragraphs 3 and 4 are replaced by the following:*

“3. Special Measures costing more than EUR 5 000 000 shall be adopted by the Commission taking into account the opinions of the European Parliament and of the Council.

4. The Commission shall inform the European Parliament and the Council within one month of adopting Special Measures costing up to EUR 5 000 000.”;

(7) in Article 17, paragraphs 4 and 5 are replaced by the following:

- “4. In the case of Exceptional Assistance Measures and Interim Response Programmes referred to in Article 6, and in the case of measures adopted in pursuit of the objectives referred to in point (3) of Article 4, participation in the award of procurement or grant contracts shall be open on a global basis.
5. In the case of measures adopted in pursuit of the objectives referred to in points (1) and (2) of Article 4, participation in the award of procurement or grant contracts shall be open, and rules of origin shall extend, to any natural or legal person of a developing country or of a country in transition, as defined by the OECD, and to natural or legal persons of any other country eligible under the relevant strategy.”;

(8) *Article 21 is replaced by the following:*

“Article 21

Evaluation

The Commission shall regularly evaluate the results and efficiency of policies and programmes and the effectiveness of programming in order to ascertain whether the objectives have been met and to enable it to formulate recommendations with a view to improving future operations. The Commission shall send for discussion significant evaluation reports to the European Parliament and to the Council. These results shall feed back into programme design and resource allocation.”;

(9) *Article 22 is replaced by the following:*

“Article 22

Exercise of the delegation

- 1. The power to adopt delegated acts referred to in Article 7(3) and Article 7(7) shall be conferred on the Commission for the period of application of this Regulation.*
- 2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
- 3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 22a and 22b.*

Article 22a

Revocation of the delegation

- 1. The delegation of power referred to in Article 7(3) and Article 7(7) may be revoked at any time by the European Parliament or by the Council.*

2. *The institution which has commenced an internal procedure for deciding whether to revoke a delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated power which could be subject to revocation and possible reasons for a revocation.*
3. *The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.*

Article 22b

Objections to delegated acts

1. *The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.*
At the initiative of the European Parliament or of the Council that period shall be extended by two months.

2. *If, on expiry of the period referred on in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein.*

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. *If either the European Parliament or the Council objects to the delegated act within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.”;*

(10) Article 24 is replaced by the following:

“Article 24
Financial envelope

The financial envelope for implementation of this Regulation over the period 2007 to 2013 is EUR 2 062 000 000. Annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

In the period 2007 to 2013:

- (a) no more than 10 per cent of the financial envelope shall be allocated to measures falling under point (1) of Article 4;
- (b) no more than 15 per cent of the financial envelope shall be allocated to measures falling under point (2) of Article 4;
- (c) no more than ***10 per cent*** of the financial envelope shall be allocated to measures falling under point (3) of Article 4, ***provided the relevant amount is compatible with the current review of the EU Peace-building Partnership and internal resources.***”.

Article 2
Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament
The President

For the Council
The President