

EUROPOS PARLAMENTAS

2004



2009

Vystymosi komitetas

NEGALUTINIS
2004/0220(COD)

9.2.2005

*****I**

PRANEŠIMO PROJEKTAS

dėl pasiūlymo dėl Europos Parlamento ir Tarybos reglamento, kuriuo sukuriamas vystymosi ir ekonomikos bendradarbiavimo finansavimo priemonė (KOM(2004)0629 – C6-0128/2004 – 2004/0220(COD))

Vystymosi komitetas

Pranešėjas: Gay Mitchell

Nuomonės referentas (*) :, Tarptautinės prekybos komitetas

(*) Glaudesnis komitetų bendradarbiavimas: Darbo tvarkos taisyklių 47 straipsnis

Procedūrų sutartiniai ženklai

- * Konsultacijų procedūra
balsavusių narių balsų dauguma
- **I Bendradarbiavimo procedūra (pirmasis svarstymas)
balsavusių narių balsų dauguma
- **II Bendradarbiavimo procedūra (antrasis svarstymas)
*balsavusių narių balsų dauguma pritariama bendrajai pozicijai
visų Parlamento narių balsų dauguma bendroji pozicija atmetama
arba taisoma*
- *** Pritarimo procedūra
*visų Parlamento narių balsų dauguma, išskyrus EB sutarties 105,
107, 161 ir 300 straipsniuose bei ES sutarties 7 straipsnyje
numatytus atvejus*
- ***I Bendro sprendimo procedūra (pirmasis svarstymas)
balsavusių narių balsų dauguma
- ***II Bendro sprendimo procedūra (antrasis svarstymas)
*balsavusių narių balsų dauguma pritariama bendrajai pozicijai
visų Parlamento narių balsų dauguma bendroji pozicija atmetama
arba taisoma*
- ***III Bendro sprendimo procedūra (trečiasis svarstymas)
balsavusių narių balsų dauguma pritariama bendram tekstui

(Procedūra pasirenkama atsižvelgiant į Komisijos pasiūlytą teisinį pagrindą.)

Teisės aktų leidybos teksto pakeitimai

Parlamento pakeitimai yra paryškunami pusjuodžiu kursyvu. Paryškimas paprastu kursyvu parodo techniniams skyriams tas teises akto projekto vietas, kurias siūloma taisyti rengiant galutinį tekstą (pvz., tekste tam tikra kalba paliktas akivaizdžias klaidas ar praleistas vietas). Pasiūlytiems tokio pobūdžio pakeitimams reikalingas atitinkamų skyrių sutikimas.

TURINYS

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EUROPOS PARLAMENTO TEISĖKŪROS REZOLIUCIJOS PROJEKTAS

dėl pasiūlymo dėl Europos Parlamento ir Tarybos reglamento, kuriuo sukuriamas vystymosi ir ekonomikos bendradarbiavimo finansavimo priemonė (KOM(2004)0629 – C6-0128/2004 – 2004/0220(COD))

(Bendro sprendimo procedūra: pirmasis svarstymas)

Europos Parlamentas,

- atsižvelgdamas į Komisijos pasiūlymą Europos Parlamentui ir Tarybai (KOM(2004)0629),¹
 - atsižvelgdamas į EB sutarties 251 straipsnio 2 dalį, 179 straipsnio 1 dalį ir 181 straipsnio 2 dalį, kurių pagrindu Komisija pateikė pasiūlymą Parlamentui (C6-0128/2004),
 - atsižvelgdamas į Darbo tvarkos taisyklių 51 straipsnį,
 - atsižvelgdamas į Vystymosi komiteto pranešimą ir į Užsienio reikalų, Tarptautinės prekybos, Biudžeto, Piliečių laisvių, teisingumo ir vidaus reikalų, Moterų teisių ir lyčių lygybės komitetų nuomones (A6-0000/2005),
1. atmeta Komisijos pasiūlymą;
 2. ragina Komisiją atsiimti savo pasiūlymą ir pateikti naują pasiūlymą atsižvelgus į Parlamento mintis;
 3. paveda Pirmininkui perduoti Parlamento poziciją Tarybai ir Komisijai.

¹ Dar nepaskelbta OL..

EXPLANATORY STATEMENT

The Commission's proposals for a series of regulations to rationalise the legislative instruments relating to external policy are broken down into geographical and thematic instruments, and additional elements.

The Committee on Development is particularly concerned at the Commission proposal to establish a single financing instrument for development cooperation and economic cooperation (DCECI). The DCECI would replace 16 existing regulations.

Parliament fully recognises the Commission's concerns regarding the need for an effective European development policy, and agrees that the present structure is in need of rationalisation, and that Parliament should play its part in bringing about all necessary reforms, including any new instruments that may be required. The Committee on Development is willing to work closely and constructively with the Commission and the Council to bring about a reformed structure.

However, if the draft regulation currently proposed were to be adopted, it would have far-reaching political and budgetary management consequences.

The proposed regulation poses two kinds of problems:

- Marginalisation of the role and the powers of Parliament (proposed procedures);
- Merging together in an unnatural alliance two policy domains (economic cooperation and development cooperation) with quite distinct finalities and work methods, to the detriment of development cooperation.

1) The Commission claims that the proposed instruments are policy-driven. This may be the case for other proposals, but it is difficult to discern any single policy, either development or economic, behind the DCECI proposal:

- The existing development policy, as defined in the Development Policy Statement of November 2000, is notably absent - indeed, the proposal runs counter to both the spirit and the letter of that Statement;
- As the November 2000 Statement is currently being revised, and the discussion has only just started, the new Statement can clearly not underpin this legislative proposal.

The Commission should define clearly the policy objectives that give rise to this instrument and engage in debate with Parliament on them.

2) The DCECI proposal covers a wide range of countries, both developing and industrialised, while the Constitution and the EC Treaty provide the basis for a separate development policy for developing countries. It should be of major concern to Parliament that the DCECI contains provisions that fail to distinguish between the two, and which run counter to the principles laid down in the EC Treaty and the Constitution.

The DCECI proposal gives the strong impression that it is intended to serve a "default" function, i.e. encompassing anything not covered by the other regulations, thereby enabling the Commission to carry out a wide variety of actions in all countries not covered under other geographical instruments.

As a result, the only geographical limitation on its scope is a negative list, indicating the countries to which it is *not* applicable (Member States, countries eligible for Community assistance under the Pre-accession or the Neighbourhood and Partnership Instruments, and international measures in multilateral frameworks).

3) Commission sources claim that it is necessary to have an "economic and development instrument" to facilitate economic actions in developing countries. However, in 2001 they themselves proposed under the development legal base (Art. 179 TEC) a regulation for cooperation with Asia and Latin America which included provision for cooperation to "promote economic and trade cooperation, strengthen investment relations, and foster the integration of Asian and Latin American countries into the multilateral trading system and the implementation of WTO agreements". The Commission clearly considered then that the development legal base was appropriate for actions in the economic sphere in developing countries. However, even if the new Article 181A on economic cooperation is required for economic actions in developing countries, nothing would prevent the Commission from proposing separate instruments for developing and industrialised countries.

4) No general objective is given in the proposal. In its place is a non-exhaustive list giving, in very general terms, the sectors which may be supported. This is given as: "*inter alia*, development cooperation, economic, financial, scientific and technical cooperation and all other forms of cooperation with partner countries and regions, and international measures to promote the objectives of the EU's internal policies abroad". While the Commission, Parliament and the Council have repeatedly insisted that the Millennium Development Goals must be at the core of Community development policy, they are not mentioned as an objective (in fact, they are mentioned only once in the DCECI proposal, in a recital - which is not legally binding). Within the very broad definition of the objectives, decisions on sectors to be supported would be made without need to refer to Parliament. The current proposal therefore leaves open to question whether the Commission would use the very broad powers afforded to it under this text to address the basic objectives of development cooperation (i.e. poverty alleviation through the MDGs).

The proposal gives a detailed list of 31 sectors to which measures may relate, but the inclusion of "*inter alia*" in the introduction makes it non-exhaustive. Furthermore, the final sector, given as "any other area appropriate for achieving the objectives laid down in Articles 177 to 181A of the Treaty", also opens the door for actions in other sectors not included in the list.

As a result, the proposal contains, in terms of political coverage, a mixture of objectives and policies (including encouraging trade between the European Community and industrialised countries, managing asylum and migration flows, as well as counter-terrorism measures, mentioned several times in the Legislative Financial Statement and therefore presumably covered by "*inter alia*" in the legal text).

5) The financial envelope does not earmark funds for specific policy objectives, and the only specific envelope mentioned is that corresponding to the EDF, for ACP countries. Apart from this, the proposal allows for fungibility (interchangeability), so it is not possible to separate the financial allocation for development from that for other objectives, notably economic policy objectives. These allocations are to be determined by "programming documents" over

which Parliament would have no say. Although separate budget lines could be introduced during the annual budget procedure, these may still be subject to transfers without parliamentary approval if they are within the same budget chapter. Parliament should be extremely concerned about the implications of such provisions.

6) Certain consequences of the proposed DCECI are especially serious and would not be acceptable to Parliament. The proposal gives very extensive powers of implementation to the Commission and Council, which also extend to policy formulation and management of resources. This is at the expense of the powers currently exercised by Parliament under the codecision procedure and also its powers under the annual budgetary procedure.

How far Parliament could continue to exercise its current influence under the annual budgetary procedure is open to question. The Commission has not yet released any indication of their likely proposals on the structure of the budget under the new Financial Perspectives. At present many budget lines relate directly to programmes that would be replaced and subsumed into the DCECI. While the Commission has indicated it will not seek to propose a single line to correspond to the DCECI regulation, it has for several years sought to simplify the current structure of the budget by reducing the number of development lines. It will therefore be necessary for Parliament to be very vigilant to forestall erosion of its powers.

At present, most development policy initiatives are based on separate codecided regulations that are usually in force for a limited period, after which time the policy is reviewed and a new regulation adopted. Thus Parliament has its say, on a regular basis, in determining the objectives, scope and methods to be employed for each policy sector. However, the current proposal would itself serve as the legal base for all future actions, whether under new initiatives or not, making new legislation unnecessary. Periodic legislation would give way to a comitology procedure, involving only the Commission and Council, which would adopt strategy and other programming documents. The effect would be that the legislative power of Parliament in this area would be abolished at a stroke. Furthermore, the proposed regulation would be in force for an indeterminate period, and contains a provision for review only at the initiative of the Commission. Parliament would therefore be unable to recover its lost powers.

7) The Commission may view the current revision of the Development Policy Statement as a means to add a development policy orientation to the all-encompassing administrative provisions of the DCECI proposal. However, this is a political statement that is not legally binding and, as mentioned previously, has not been respected at all in the current proposal. Such a Policy Statement would therefore be a poor recompense for relinquishing codecision powers.

8) Under the proposed regulation consultation with civil society on geographic and thematic programmes would only be envisaged by the Commission "when possible", calling into question the Commission's stated commitment to civil society participation in EC aid programming and undermining the basis for non-state actors' participation under the Cotonou Agreement. This is not acceptable.

9) The Commission admits that the structure of the proposed instruments under Heading 4 (dealing with all external action of the EU) means that "a precise figure for ODA under Heading 4 of the new Financial Perspectives cannot be provided as it will depend on the

future programming of funds under the different instruments"¹. This is largely due to the DCECI's lack of financial visibility for development funding.

Conclusions

To quote UN Secretary General Kofi Annan, for selfless reasons and for reasons of healthy self interest the needs of the developing world must be at the top of the political agenda. Parliament would therefore welcome a more effective, more efficient, more generous and more targeted commitment on the part of the Union to the developing world. However, marrying economic cooperation with non-developing countries and development cooperation with the poorest countries does not take due account of the needs of the developing world and either selfless duty or "healthy self interest". To meet our objectives, whatever agreed reforms are necessary should be put in place, but reforms must be accompanied by accountability and transparency.

The proposed regulation fails to meet the considerations stated above, notably with regard to transparency, which is linked to democratic oversight. In addition, tying development cooperation to economic cooperation with industrialised countries is neither necessary nor desirable.

It is quite clear that many of the difficulties from a development perspective posed by this draft regulation are a direct consequence of the hybrid nature of the text. The attempted 'tour de force' of merging two different and distinct sets of objectives and tools into a single regulation has detrimental consequences for development cooperation. This is because most of the internationally accepted and adopted best practices in development cooperation have been abandoned in the proposal. This 'acquis' of 35 years of development cooperation has become part of the legal framework governing EU development policy, which is in line with what most donors do. It includes concentration, coherence, coordination, harmonisation, ownership by the beneficiaries and involvement of all stakeholders. The Commission seeks to move outside this framework and, in doing so, has greatly diluted the development focus of the Regulation.

There is a major imbalance between a desire on the part of the Commission for more flexibility at the level of micro-management (which is perfectly understandable) and the need for accountability and for an open and transparent democratic debate on the strategies and priorities of EU aid. Defending Parliament's democratic role and influence can and must be seen as a worthy objective in itself. It may also be necessary for achieving the modifications to the Commission package which Parliament deems necessary. Accountability to the elected representatives of EU citizens should not be abandoned for managerial and efficiency imperatives. A good balance between the two principles is feasible and must be struck.

The proposed regulation is so out of step with the development cooperation policies favoured by the European Parliament and is so inherently deleterious to Parliament's powers as to be unamendable.

It is consequently proposed that the Commission withdraw this draft regulation and replace it

¹ Technical Fiche 37.

with forward-thinking proposals that would correspond to current thinking on development while respecting the powers and prerogatives of the European Parliament. As a starting point Parliament must insist that the Commission take account of its concerns, as set out in this report, in the drafting of proposals to replace the current draft regulation.