

P7_TA-PROV(2011)0031

Establishment of a financing instrument for the promotion of democracy and human rights worldwide (amendment of Regulation (EC) No 1889/2006)

*****II**

European Parliament legislative resolution of 3 February 2011 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 1889/2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (16446/1/2010 – C7-0427/2010 – 2009/0060B(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (16446/1/2010 – C7-0427/2010),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2009)0194),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 66 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Foreign Affairs (A7-0014/2011),
1. Adopts its position at second reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Texts adopted of 21.10.2010, P7_TA(2010)0380.

Position of the European Parliament adopted at second reading on 3 February 2011 with a view to the adoption of Regulation (EU) No.../2011 of the European Parliament and of the Council amending Regulation (EC) No 1889/2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide

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 Article 209(1) and Article 212 thereof,

Having regard to the proposal from the European Commission,

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

- (1) A new framework for planning and delivering assistance was established in 2006 in order to make the Community's external assistance more effective and transparent. It contains Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)², Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument³, Council Regulation (EC) No 1934/2006 of 21 December 2006 establishing a financing instrument for cooperation with industrialised and other high-income countries and territories⁴, Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability⁵, Council Regulation (Euratom) No 300/2007 of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation⁶, Regulation (EC) No 1889/2006⁷, and Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation⁸.
- (2) In implementing those Regulations inconsistencies have emerged regarding exceptions to the principle of non-eligibility for Union financing of costs related to taxes, duties and other charges. It is therefore proposed to amend the relevant provisions of Regulation (EC) No 1889/2006 in order to align it with the other instruments.
- (3) This Regulation does not go beyond what is necessary in order to achieve the objective pursued, in accordance with Article 5(4) of the Treaty on European Union.

¹ Position of the European Parliament of 21 October 2010 (not yet published in the Official Journal), position of the Council at first reading of 10 December 2010 (not yet published in the Official Journal) and position of the European Parliament of 3 February 2011.

² OJ L 210, 31.7.2006, p. 82.

³ OJ L 310, 9.11.2006, p. 1.

⁴ OJ L 405, 30.12.2006, p. 41.

⁵ OJ L 327, 24.11.2006, p. 1.

⁶ OJ L 81, 22.3.2007, p. 1.

⁷ OJ L 386, 29.12.2006, p. 1.

⁸ OJ L 378, 27.12.2006, p. 41.

(3a) *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 strategy papers, as those strategy papers supplement Regulation (EC) No 1889/2006 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.*

(4) Regulation (EC) No 1889/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1889/2006 is hereby amended as follows:

(-1) *Article 5(3) is replaced by the following:*

"3. *Strategy papers, and any revisions or extensions thereof, shall be adopted by the Commission by means of delegated acts in accordance with Article 17, and subject to the conditions laid down in Articles 17a and 17b.*";

(-1a) *Article 6(3) is replaced by the following:*

"3. *Annual Action Programmes, and any revisions or extensions thereof, shall be adopted by the Commission taking into account the opinions of the European Parliament and of the Council.*";

(-1b) *in Article 7, paragraphs 3 and 4 are replaced by the following:*

"3. *Where the cost of such measures is equal to or exceeds EUR 3 000 000, the Commission shall adopt them taking into account the opinions of the European Parliament and of the Council.*

4. *For Special Measures costing below EUR 3 000 000, the Commission shall send the measures to the European Parliament and to the Council for information within 10 working days of adopting its decision.*";

(-1c) *Article 9(2) is replaced by the following:*

"2. *The Commission shall regularly inform the European Parliament and the Council of the ad hoc measures carried out.*";

(1) Article 13(6) is replaced by the following:

"6. *Union assistance shall not in principle be used for paying taxes, duties or charges in beneficiary countries.*";

(1a) *Article 16(2) is replaced by the following:*

"2. The Commission shall send its evaluation reports to the European Parliament and to the Council for information. The results shall feed back into programme design and resource allocation.";

(1b) Article 17 is replaced by the following:

"Article 17

Exercise of the delegation

- 1. The power to adopt delegated acts as referred to in Article 5(3) 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 17a and 17b.*

Article 17a

Revocation of the delegation

- 1. The delegation of power referred to in Article 5 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 17b

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 the Council that period shall be extended by two months.

- 2. If, on the expiry of the period referred to 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."*

Article 2

This Regulation shall enter into force on the 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*