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Committee on Regional Development

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DRAFT OPINION

of the Committee on Regional Development

for the Committee on Foreign Affairs

on the proposal for a regulation of the European Parliament and of the Council
on the Instrument for Pre-accession Assistance (IPA II)
(COM(2011)0838 – C7-0491/2011 – 2011/0404(COD))

Rapporteur: Elżbieta Katarzyna Łukacijewska

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SHORT JUSTIFICATION

Technical and financial assistance to the Enlargement countries provided through the Instrument for Pre-accession Assistance (IPA) supports them, within the Multiannual Financial Framework in force, in their transition from potential candidate to candidate status and towards eventual European Union membership; helps promote stability, security and prosperity. Your draftswoman is of the opinion, that the present text of the Regulation as proposed by the European Commission COM (2011) 838 in general achieves its purpose - enhancing the effectiveness of financial and technical assistance through ameliorating the instrument's functioning and through diminishing the administrative burdens. Nevertheless, the draftswoman has put forward several amendments to the EC proposal for new IPA II Regulation. These proposed amendments cover the matters raised in the following paragraphs.

Cross-border cooperation programmes financed by the Instrument in question are outstanding from the point of view of regional development policy. Their objective is to build up competitiveness and excellence, increase the economic prosperity of cross-border regions, political security and safety in the area, as well as to facilitate the process of European integration. According to your draftswoman, reducing the existing differences between the development levels of cross-border regions, and improving the cooperation on regional and local level between communities in social, cultural and scientific areas is crucial. For this purpose, and having consulted the EC, it is believed that dedicating a bigger share of IPA funding towards boosting cross-border cooperation is both necessary and justified, especially from the aforementioned point of view of the EU cohesion policy.

On a more general note, continued effort ought to be undertaken in order to strengthen democracy and human rights. An additional recital should therefore be added in the current proposal, referring to the very idea of democracy. According to the draftswoman Europe should reiterate its approach to democracy promotion, respect for the rule of law, human rights and fundamental freedoms. Thus, more flexible and effective financial instruments and mechanisms should be introduced in order to improve the current democracy-supporting tools used in the EU foreign policy.

The draftswoman draws attention to the fact that the criteria of fund allocation concerning IPA, would need to be somewhat better adapted. The Instrument follows the European Territorial Cooperation principles so its funding is heavily dependent on the criterion of population, which may appear discriminating towards relatively depopulated areas, such as countries of the Western Balkans.

In addition, IPA aims at supporting the transition reform and build-up of institutional capacity for its implementation. However, the EC proposal implies that the more absorption and administrative capacity the given country possesses, the more funds it is to receive. Again, in the Western Balkans administrative capacities were diminished due to factors beyond the control of the states of the region. Thus one will certainly notice that they might be receiving less funding than other candidate countries. Hence, your draftswoman suggests that more

detailed criteria of funding could be defined, referred to in the articles 6 and 9 of the EC proposal.

Furthermore, enhanced cooperation between beneficiary countries and Member States ought to be encouraged. Article 2, point b) of the current EC proposal should therefore encompass a more extensive definition of cooperation between Member States and candidate/potential candidate countries. Hence, the draftsman would like to incorporate the definition of "twinning" in the text, a tool which aims to help beneficiary countries in the development of modern and efficient administration, with the structures, human resources and management skills comparable to those in the EU Member States. This addition also strengthens the local and regional dimension of the pre-accession process, which is an important approach from the point of view of the regional development policy.

Also within this approach, an effort ought to be continued on behalf of the EU in order to improve the situation of national minorities in pre-accession countries. Discrimination, and in some cases even violence, against members of minorities are still widespread. Moreover, state funding of minority protection measures in these countries remains insufficient. This is why the concerted effort to strengthen mechanisms for minority communities' protection and assistance in the meaningful exercise of their rights should be maintained. Therefore, recital 8 of the proposed regulation should clearly mention the protection of national minorities.

Your draftsman is of firm opinion that the civil society and its organisations, commonly referred to as non-governmental (NGOs) need to be supported at every opportunity. It is therefore worth noting, that in at least some of the beneficiary countries civil society is treated as an administrative capacity building tool. However, a governmental independent civil society involvement in democracy building is also needed. An amendment to Article 3 paragraph 1 of the EC proposal aims to achieve precisely these objectives.

According to draftsman, the scope and conditions of funding from IPA as well as rules of participation and eligibility applicable require further development and clarification.

AMENDMENTS

The Committee on Regional Development calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation **Recital 7 a (new)**

Text proposed by the Commission

Amendment

(7a) The importance of strengthening democracy and human rights should be emphasised, and initiatives should be

undertaken to create sound new mechanisms and new endowments with a view to supporting an egalitarian form of government in which all the citizens of a nation together determine the public policy, laws and actions of their state, on the basis that all citizens have an equal opportunity to express their opinion.

Or. en

Justification

The draftsman believes there still is a need for additional tools for supporting democratic processes in countries in transition to fill the gap in EU foreign policy.

Amendment 2

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Assistance under this Regulation should be provided in accordance with the enlargement policy framework defined by the Union for each beneficiary country reflected in the annual enlargement package of the Commission, which includes the Progress Reports and the Enlargement Strategy, in the Stabilisation and Association agreements and in the European or Accession Partnerships. Assistance should mainly focus on a limited number of policy areas that will help beneficiary countries strengthen democratic institutions and the rule of law, reform the judiciary and public administration, respect fundamental rights **and** promote gender equality and non-discrimination. It should also enhance their economic and social development, underpinning a smart, sustainable and inclusive growth agenda in line with the Europe 2020 strategy and to align progressively with the Copenhagen criteria.

Amendment

(8) Assistance under this Regulation should be provided in accordance with the enlargement policy framework defined by the Union for each beneficiary country reflected in the annual enlargement package of the Commission, which includes the Progress Reports and the Enlargement Strategy, in the Stabilisation and Association agreements and in the European or Accession Partnerships. Assistance should mainly focus on a limited number of policy areas that will help beneficiary countries strengthen democratic institutions and the rule of law, reform the judiciary and public administration, respect fundamental rights, promote gender equality, **protect national minorities** and **foster** non-discrimination. It should also enhance their economic and social development, underpinning a smart, sustainable and inclusive growth agenda in line with the Europe 2020 strategy and to align progressively with the Copenhagen

The coherence between the financial assistance and the overall progress made in the implementation of the pre-accession strategy should be strengthened.

criteria. The coherence between the financial assistance and the overall progress made in the implementation of the pre-accession strategy should be strengthened.

Or. en

Justification

The protection of national minorities and human rights is very important in the EU, but it still seems to be on the surface level of European policies. As far as the enlargement process is concerned, the countries with the fewest problems of national minorities within their borders will be surely the first to enter the European Union. It is important for non-discrimination also towards the national minorities to be recognised as an objective of EU policy in potential candidate and candidate countries.

Amendment 3

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In order to ensure coherence between the accession process and the financial and technical assistance provided under this Regulation and achieve the objectives of the accession agenda, a common strategic framework for using the Instrument for Pre-Accession Assistance should be established by the Commission. This framework should define, *inter alia*, the list of key actions which may be supported under this Regulation and the criteria for the allocation of funds. The common strategic framework should constitute the reference framework for the country and multi-country strategy papers.

Amendment

(11) In order to ensure coherence between the accession process and the financial and technical assistance provided under this Regulation and achieve the objectives of the accession agenda, a common strategic framework for using the Instrument for Pre-Accession Assistance should be established by the Commission. This framework should define, *inter alia*, the list of key actions which may be supported under this Regulation and the ***more detailed*** criteria for the allocation of funds. The common strategic framework should constitute the reference framework for the country and multi-country strategy papers.

Or. en

Justification

Clear and unambiguous criteria for the allocation of pre-accession funds are indispensable.

As the relevant current formulation in the regulation might be seen as somewhat lacking detail and clarity, it should be established in principle, that it requires deepening.

Amendment 4

Proposal for a regulation

Article 2 – paragraph 1 – point a – point iii

Text proposed by the Commission

(iii) the fight against corruption and organised crime;

Amendment

(iii) the fight against corruption and organised crime ***by focusing more on law enforcement, border controls and border management as well as immigration controls;***

Or. en

Justification

Progress is being made in the effort to eradicate corruption and root organized crime. Nevertheless, the criminal organisations mostly operate across national borders: drugs trade, trafficking, smuggling of illegal immigrants, counterfeit flow. To make the EU aid more effective in resolving these problems it is indispensable to improve the judicial governance, tackle crime, control borders and focus more on people's movement through borders.

Amendment 5

Proposal for a regulation

Article 2 – paragraph 1 – point b – introductory wording

Text proposed by the Commission

(b) Support for economic, social and territorial development, with a view to a smart, sustainable and inclusive growth, *inter alia* through:

Amendment

(b) Support for economic, social and territorial development, with a view to a smart, sustainable and inclusive growth, ***refinement of cooperation between Member States and candidate or potential candidate countries as well as between those countries, inter alia*** through:

Or. en

Justification

There are various advantages and benefits of this institutional building tool. The most important ones are: development of modern and efficient administration on central, local and regional level, direct exchange of experiences and knowledge as far as the EU legislation is concerned, implementation of best practices of the EU administration, training and improving professional capacity, changes in organisational practices and culture, better communication and coordination etc.

Amendment 6

Proposal for a regulation

Article 2 – paragraph 1 – point b – point v a (new)

Text proposed by the Commission

Amendment

(va) twinning, which enables two communities to cooperate in an unprecedented manner in order to develop modern and efficient public management – including sound structures, qualified personnel and appropriate abilities – modelled in such a way as to achieve the standards met in the Member States.

Or. en

Justification

There are various advantages and benefits of this institutional building tool. The most important ones are: development of modern and efficient administration on central, local and regional level, direct exchange of experiences and knowledge as far as the EU legislation is concerned, implementation of best practices of the EU administration, training and improving professional capacity, changes in organisational practices and culture, better communication and coordination etc.

Amendment 7

Proposal for a regulation

Article 3 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the development of civil society organisations and non-governmental organisations and support for their

democratic society-building activities.

Or. en

Justification

In some countries civil society is treated as an administrative capacity building tool. It needs to be emphasised that what is also needed, is the civil society involvement in democratic values building and supporting their activity not dependent of the government.

Amendment 8

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. When preparing, implementing and monitoring assistance under this Regulation, the Commission shall in principle act in partnership with the beneficiary countries. The partnership shall involve, ***as appropriate, competent national, regional and local authorities, economic and social*** partners, civil society ***and*** non-state actors.

Amendment

5. When preparing, implementing and monitoring assistance under this Regulation, the Commission shall in principle act in partnership with the beneficiary countries. The partnership shall involve ***the following*** partners:

(i) competent regional, local, urban and other public authorities;

(ii) economic and social partners;

(iii) bodies representing civil society, non-governmental organisations, and bodies responsible for promoting equality and non-discrimination; and

(iv) non-state actors.

The partners shall participate in the monitoring committees for programmes.

The involvement of those partners shall be in accordance with the European code of conduct.

Or. en

Justification

Civil society involvement is an important element of democracy-building and strengthening. Development of modern and efficient administration on central, local and regional level, direct exchange of experiences and knowledge, implementation of best practices, training and improving professional capacity, changes in organisational practices and culture, better communication and coordination as well as - last but not least - implementation of structural policies all require a firm, clear and detailed recognition of the partnership principle.

Amendment 9

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

1. Assistance under this Regulation shall be provided on the basis of country or multi-country indicative strategy papers (hereinafter "strategy papers"), established for the duration of the Union's Multi-annual Financial Framework, by the Commission in partnership with the beneficiary country or countries concerned.

Amendment

1. Assistance under this Regulation shall be provided on the basis of country or multi-country indicative strategy papers (hereinafter "strategy papers"), established for the duration of the Union's Multi-annual Financial Framework, by the Commission in partnership with the beneficiary country or countries **and the Member State or Member States** concerned **and following thorough consultation with the European Parliament**.

Or. en

Justification

The draftsman rejects the "one size fits all" approach as the administrative and absorption capacities as well as sectoral structures differ widely across regions in potential candidate and candidate countries.

Amendment 10

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. The strategy papers shall include the indicative allocation of Union funds per

Amendment

3. The strategy papers shall include the indicative allocation of Union funds per

policy area, as applicable, broken down per year, in line with the criteria set in the IPA Common Strategic Framework referred to in Article 5. The indicative allocation of funds shall duly take account of the needs, absorption capacity and administrative capacity of the beneficiary countries. It shall also allow for addressing emerging needs and include incentives to enhance the performance of the beneficiary countries with regard to the objectives set in the multi-annual indicative strategies.

policy area, as applicable, broken down per year, in line with the criteria set in the IPA Common Strategic Framework referred to in Article 5. The indicative allocation of funds shall duly take account of the needs, **as well as, to a reasonable extent, the** absorption capacity and administrative capacity, of the beneficiary countries. It shall also allow for addressing emerging needs and include incentives to enhance the performance of the beneficiary countries with regard to the objectives set in the multi-annual indicative strategies.

Or. en

Justification

The draftsman rejects the "one size fits all" approach as the administrative and absorption capacities as well as sectoral structures differ widely across regions in potential candidate and candidate countries.

Amendment 11

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. In duly justified circumstances and in order to ensure the coherence and effectiveness of Union financing or to foster regional cooperation, the Commission may decide to extend the eligibility of programmes and measures referred to in Article 7 to countries, territories and regions which otherwise would not be eligible for financing pursuant to Article 1, where the programme or measure to be implemented is of a global, regional or cross border nature.

Amendment

1. In duly justified circumstances, **as defined in a delegated act adopted in accordance with Article 11**, and in order to ensure the coherence and effectiveness of Union financing or to foster regional cooperation, the Commission may decide to extend the eligibility of programmes and measures referred to in Article 7 to countries, territories and regions which otherwise would not be eligible for financing pursuant to Article 1, where the programme or measure to be implemented is of a global, regional or cross border nature.

Or. en

Justification

According to draftsman the definition of the phrase "duly justified circumstances", which under the current text allows for involvement of various types of EU funds for external use (ENPI, IPA, EED, development funds for the "Third World") almost exquisitely at the discretion of the implementing authorities, required retyping and making things more specific.

Amendment 12

Proposal for a regulation

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Cross-border cooperation shall be implemented in accordance with paragraphs 1, 2 and 3, with the assistance of appropriate instruments. Those instruments shall specifically include the European grouping of territorial cooperation in accordance with Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006¹.

¹ OJ L 210, 31.7.2006, p. 19.

Or. en

Justification

European Grouping of Territorial Cooperation (EGTC) has already proven itself to be indispensable as the territorial cooperation (cross-border, transregional and transnational) inside the European Union. It is therefore only befitting, that with the extension of its scope of application with the amendments to the Regulation no. 1082/2006 now being considered to the parties not established in a Member State, EGTC is applied to the European enlargement policy in its "external cohesion" aspect.

Amendment 13

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. The financial reference amount for the implementation of this Regulation for the period from 2014 to 2020 shall be EUR 14 110 100 000 (current prices). Up to **3%** of the financial reference amount shall be allocated to cross-border cooperation programmes between beneficiary countries and EU Member States.

Amendment

1. The financial reference amount for the implementation of this Regulation for the period from 2014 to 2020 shall be EUR 14 110 100 000 (current prices). Up to **7 %** of the financial reference amount shall be allocated to cross-border cooperation programmes between beneficiary countries and EU Member States.

Or. en

Justification

As the cross-border cooperation is a key priority in the EU policy and is intended to help promote economic and social development in regions on both sides of common borders, address challenges in areas such as environment, public health and prevention of and fight against organized crime, ensure efficient and secure borders and promote local cross-border people to people actions, it is essential that substantially more money should be allocated to this instrument.