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*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
establishing a European Neighbourhood Instrument
(COM(2011)0839 – C7-0492/2011 – 2011/0405(COD))

Committee on Foreign Affairs

Rapporteur: Eduard Kukan

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument

(COM(2011)0839 – C7-0492/2011 – 2011/0405(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0839),
- having regard to Article 294(2) and Articles 209(1) and 212(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0492/2011),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 14 November 2012¹,
- having regard to the opinion of the Committee of the Regions of 9 October 2012²,
- having regard to the undertaking given by the Council representative by letter of 4 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rule 55 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development, the Committee on International Trade, the Committee on Budgets, the Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy, the Committee on Regional Development, the Committee on Culture and Education and the Committee on Women's Rights and Gender Equality (A7-0449/2013),

1. Adopts its position at first reading hereinafter set out;
2. Approves the statement by Parliament annexed to this resolution;
3. Takes note of the Commission declarations annexed to this resolution;
4. 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;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 11, 15.1.2013, p. 77.

² OJ C 391, 18.12.2012, p. 110

Amendment 1

AMENDMENTS BY THE EUROPEAN PARLIAMENT* to the Commission proposal

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

establishing a European Neighbourhood Instrument

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 212 (2) thereof,
Having regard to the proposal from the European Commission,
After transmission of the draft legislative act to the national parliaments,
Having regard to the opinion of the European Economic and Social Committee¹,
Having regard to the opinion of the Committee of the Regions²,
Acting in accordance with the ordinary legislative procedure³,

* Amendments: new or replacement text is marked in ***bold italics***, and deletions are indicated by the symbol

1

OJ C , , p. .

2

OJ C , , p. .

3

Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of ...

Whereas:

(1) This Regulation *should establish the European Neighbourhood Instrument (ENI) as* one of the instruments providing direct support for the European Union's external policies. It will replace the Regulation (EC) No 1638/2006 of the European Parliament and of the Council¹ which expires on 31 December 2013.

(2) Article 8 of the Treaty on European Union provides for the development of a special relationship with neighbouring countries, with the aim of establishing an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.

(4) Since it was launched, the European Neighbourhood Policy has strengthened relations with partner countries and brought tangible benefits to both the Union and its partners, *including the launch of regional initiatives and support to democratisation in the region. A number of major developments in the European Neighbourhood has triggered a revised vision of the European Neighbourhood Policy (ENP) set out in 2011 as a result of a comprehensive Strategic Review. It provides inter alia for greater support to partners committed to building democratic societies and undertaking reforms in line with the "more for more" and "mutual accountability" principles, partnership with societies and a more differentiated and tailor-made approach towards the individual partner countries. This regulation establishes clear links between the European Neighbourhood Policy framework and the support to be provided under the instrument established by this Regulation.*

¹ *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 Instrument (OJ L 310, 9.11.2006).*

(5) Under the European Neighbourhood Policy, the Union offers European Neighbourhood countries a privileged relationship, building upon a mutual commitment to and promotion of the values of democracy and human rights, the rule of law, good governance and the principles of market economy, and sustainable *and inclusive* development. *It further provides, where appropriate, a framework for enhanced mobility and people-to-people contacts, particularly through visa facilitation and readmission agreements, and, on case-by-case basis, through visa liberalisation.*

(6) *The ENI supports the implementation of political initiatives that have contributed to shape the European Neighbourhood Policy: the Eastern Partnership between the Union and its Eastern neighbours, the Partnership for Democracy and Shared Prosperity and the Union for the Mediterranean in the Southern Neighbourhood.* These initiatives are *all strategically important and offer equally* meaningful political frameworks for deepening relations with and among partner countries, based on principles of *mutual accountability*, shared ownership and responsibility.

(6a) *The objectives of this Regulation should be pursued with an appropriate involvement of external action partners, including civil society organisations and local authorities, in preparing, implementing and monitoring Union support, given the importance of their roles. The ENI should also support the strengthening of the capacity of civil society organisations to guarantee effective domestic accountability and local ownership, and to be full actors in the democratisation processes.*

(6b) *The ENI also supports the implementation of regional cooperation throughout the neighbourhood, inter alia in the framework of the Northern Dimension policy or the Black Sea Synergy, as well as, primarily in the case of Cross-Border Cooperation, the external aspects of relevant macro-regional strategies.*

(6c) *This Regulation acknowledges the specific status of the Russian Federation as both a Union neighbour and a strategic partner in the region.*

(8) Support under **both** the ENI and the European Regional Development Fund should be provided for the Cross-Border Cooperation programmes *between on the one hand Member States and on the other hand partner countries and/or the Russian Federation ("other Cross-Border Cooperation participating countries")* along the external borders of the Union ■ to promote integrated and sustainable regional development **and cooperation** between neighbouring border **areas** and harmonious territorial integration across the Union and with neighbouring countries. **To secure efficient implementation of Cross-Border Cooperation it is important to harmonise procedures with the European Territorial Cooperation, where applicable.**

(9) Furthermore, it is important to foster and facilitate cooperation for the common benefit of the Union and its partners, **and other participating countries**, notably through **the best and most effective coordination of resources provided and the** pooling of contributions from internal and external instruments of the Union budget, in particular for **the benefit of** Cross-Border Cooperation **and regional co-operation projects**, infrastructure projects of Union interest **involving neighbouring countries**, and other areas of cooperation.

(10) **Territorial units along the borders** ■ that belong to countries of the European Economic Area (EEA) and the ■ relevant ■ **territorial units in the beneficiaries listed in Annex I to the Instrument for Pre-accession Assistance can also participate in Cross-Border Cooperation.** Participation of the European Economic Area countries in the **Cross-Border Cooperation** programmes should continue to be based on their own resources.

(11) It is expected that the Member States, *partner countries* and *other participating* countries taking part in Cross -Border *Cooperation and in regional cooperation* will provide co-financing. This will strengthen country ownership, increase the financial resources at the disposal of the programmes and facilitate the participation of local *stakeholders*.

(11a) For the purpose of harmonising the terminology used in this Regulation with that of the European Territorial Co-operation, the implementation documents for the Cross-Border Cooperation programmes should be called joint operational programmes.

(13) Support to be provided to neighbouring developing countries within the framework established by the European Neighbourhood Policy should be coherent with the objectives and principles of the Union's external policies and in particular its development, *and the Union's Common Foreign and Security Policy. Coherence with the external dimensions of Union's internal policies and instruments should also be ensured.*

(13a) The Union should seek the most efficient use of available resources in order to optimise the impact of its external action. This should be achieved through coherence and complementarity between the Instruments for external action, as well as the creation of synergies between the ENI, other Instruments for external action and other policies of the Union. This should further entail mutual reinforcement of the programmes devised under those Instruments.

(14) The Joint EU – Africa Strategy is of relevance for relations with the Mediterranean neighbours from North Africa.

(15) The Union and its Member States should improve the coherence, *effectiveness* and **■** complementarity of their respective policies on cooperation with neighbouring countries. To ensure that the Union's cooperation and that of the Member States complement and reinforce each other, it is appropriate to provide for joint programming which should be implemented whenever possible and relevant, *while proper cooperation and coordination with other non-Union donors should also be ensured.*

(16) Union support under this Regulation should in principle be aligned to corresponding national **■** or local strategies and measures of partner countries *and, where relevant, also to those of the Russian Federation.*

(17) In European Neighbourhood countries where alignment to Union rules and standards is one of the key policy objectives, the Union is best placed to deliver this support. Certain specific support can only be provided at Union level. *Member States' transition experience can also contribute to the success of reforms in European Neighbourhood countries and to promoting universal values in the European Neighbourhood.*

(18) Since the objectives of this Regulation **■** cannot be sufficiently achieved by the Member States *but* can *rather*, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as 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.

(19) ■ The Commission must ■ seek the most efficient use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments.

(20) Fighting climate change is one of the great challenges which the Union faces and urgent international action is needed. In accordance with the intent stated in the Commission June 2011 MFF Communication of increasing the climate related proportion of the Union budget to at least 20%, this Regulation should contribute to that goal.

(20a) A stable framework of cooperation with neighbouring countries in the area of energy and resources, consistent with the Union's internal market rules, contributes to enhancing the Union's security in that area.

(21) Gender equality, *the rights of persons belonging to minorities and the fight against discrimination* ■ *and inequalities are* cross-cutting *objectives* in all actions undertaken under this Regulation.

(22) *In relations with its partners worldwide, the* Union is committed to promote decent work, *social justice*, as well as ratification and effective implementation of the internationally recognised labour standards, *including the eradication of child labour*, and multilateral *environmental* agreements ■ .

(22a) This act lays down a financial envelope for the entire duration of the ENI which is to constitute the prime reference amount, within the meaning of Point 17 of the Interinstitutional Agreement of ... 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, for the European Parliament and the Council during the annual budgetary procedure.

(23) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties. These measures *should* be carried out in accordance with the applicable agreements concluded with international organisations and third countries.

(25) In order **to adapt Union support**, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of **amending the content of the Annex II** to this Regulation. *It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should further ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.*

(26) Regulation (EU) No .../... of the European Parliament and of the Council of (hereinafter "the Common Implementing Regulation") establishes common rules and procedures for the implementation of the Union's instruments for external action.

(27) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission.

(28) The implementing powers relating to Article 7 (1), (2), and (3), to Article 9(1) *and to Article 12(1)* should be exercised in accordance with Regulation (EU) No 182/2011¹.

¹ *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

(28a) The examination procedure should in principle be used for the adoption of implementing acts, taking into account the nature of those implementing acts, in particular their policy orientation nature or their financial implications, except for measures of a small financial scale.

(29) The organisation and functioning of the European External Action Service (EEAS) is established in Council Decision 2010/427/EU¹

(29a) It is appropriate to align the duration of this Regulation with the Council Regulation laying down the multiannual financial framework for the years 2014-2020. Therefore, this Regulation should apply as from 1 January 2014.

HAVE ADOPTED THIS REGULATION:

¹ ***Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).***

TITLE I

OBJECTIVES AND PRINCIPLES

Article 1

Overall objective and scope

1. **■ This Regulation establishes a *European Neighbourhood Instrument (ENI)* with a view to advancing further towards an area of *shared* prosperity and good neighbourliness involving the ■ Union and the countries and territories listed in the Annex to this Regulation ("the partner countries") by developing a special relationship *founded on cooperation, peace and security, mutual accountability and shared commitment to universal values of democracy, the rule of law and respect for human rights in accordance with the Treaty on European Union.***
2. Union support under this Regulation shall be used for the benefit of partner countries and ***the areas involved in the Cross-Border Cooperation. It*** can also be used for the common benefit of ***the Union*** and partner countries.
3. Union funding may also be used for the purpose of enabling the Russian Federation to participate in Cross-Border Cooperation and in ***regional cooperation with Union participation and in*** relevant multi-country programmes, **■ *including in cooperation on education, in particular student exchanges.***

3a. The Union promotes, develops and consolidates the values of liberty, democracy, universality and indivisibility of, and respect for, human rights and fundamental freedoms, and the principles of equality and the rule of law, on which it is founded, through dialogue and cooperation with third countries and in compliance with principles of international law. Accordingly, funding under this Regulation shall comply with these values and principles, as well as with the Union's commitments under international law, taking into account relevant Union policies and positions.

Article 2

Specific objectives of Union's support

1. Support under this Regulation shall **focus on promoting** enhanced political cooperation, **deep and sustainable democracy, progressive economic integration and a strengthened partnership with societies** between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, and jointly agreed action plans **or equivalent documents**.
2. Union support **shall** target in particular:
 - (a) promoting human rights and fundamental freedoms, the rule of law, principles of equality **and fight against discrimination in all its forms**, establishing deep and sustainable democracy, promoting good governance, **fight against corruption, strengthening institutional capacity at all levels** and developing a thriving civil society including social partners;
 - (b) achieving progressive integration into the Union internal market and enhanced sector and cross-sectoral **cooperation** including through legislative approximation and regulatory convergence towards Union and other relevant international standards **and improved market access including through deep and comprehensive free trade areas**, related institution building and investments, notably in interconnections;

- (c) creating conditions for *the better organisation of legal migration and the fostering of* well managed mobility of people, *for the implementation of existing or future agreements concluded in line with the Global Approach to Migration and Mobility, and for* promotion of people-to-people contacts, *in particular in relation to cultural, educational, professional and sporting activities;*
- (d) *supporting smart,* sustainable and inclusive development in all aspects; poverty reduction, including through private-sector development *and reduction of social exclusion; promotion of capacity building in science, education and in particular higher education, technology, research and innovation;* promotion of internal economic, social and territorial cohesion; rural development; *public health; environmental protection,* climate action and disaster resilience;
- (e) promoting confidence building, *good neighbourly relations* and other measures contributing to security *in all forms* and the prevention and settlement of conflicts, *including protracted conflicts;*
- (f) enhancing sub-regional, regional and Neighbourhood wide collaboration as well as Cross-Border Cooperation.

3. The achievement of *those specific* objectives shall be measured using notably the relevant *Union* periodic reports on the implementation of the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) *the extent of* the uptake of the *Union* regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will *be predefined, clear, transparent and, where appropriate, country specific and measurable, and will* include, among others, adequately monitored democratic elections, *respect for human rights and fundamental freedoms, independent judiciary, cooperation on justice, freedom and security issues,* level of corruption, trade flows, *gender equality and* indicators enabling measuring internal economic disparities, including employment levels.

4. Union support may also be used in other **relevant** areas when this is consistent with the overall objectives of the European Neighbourhood Policy.

Article 3

Policy framework

1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, **European Council conclusions, and Council conclusions** ■ as well as relevant **summit declarations or** conclusions of ministerial meetings with the partner countries **of the European Neighbourhood Policy including in the context of the Eastern Partnership and the Union for the Mediterranean and also relevant European Parliament resolutions, shall, while respecting the principle of ownership,** constitute the overall policy framework ■ of this Regulation **for programming and implementing Union support under this Regulation.**

2. ■ **Action** plans or other equivalent **jointly agreed** documents **such as the association agendas** between the partner countries and the Union **in bilateral and multilateral formats, including as relevant within the Eastern Partnership and the Southern dimension of the European Neighbourhood Policy,** shall provide the key point of reference for setting the priorities for Union support **and for the assessment of progress outlined in Article 2(3).**

3. Where no agreements, as mentioned in paragraph 1, between the Union and partner countries exist, Union support may be provided when it proves useful to pursue Union policy objectives, and shall be programmed on the basis of such objectives taking into account the needs of the country concerned.

Article 4

Differentiation, partnership and co-financing

1. Union support provided *to each partner country* under *Article 6(1) (a)* shall be *incentive-based and* differentiated in form and amounts, *taking into account all the elements listed below, reflecting the partner country's:*

- a) *needs, using indicators such as population and level of development;*
- b) *commitment to and progress in implementing commonly agreed political, economic and social reform objectives;*
- c) *commitment to and progress in building deep and sustainable democracy;*
- d) *partnership with the Union, including the level of ambition for that partnership;*
- e) *absorption capacity and the potential impact of Union support.*

This support shall be reflected in the multi-annual programming documents specified in Article 7 of this Regulation.

1a. Following the adoption of the programming documents specified in Article 7 of this Regulation, and without prejudice to the other elements outlined in paragraph 1 of this Article, the share of available resources offered to partner countries shall be adapted primarily according to their progress in building and consolidating deep and sustainable democracy and in implementing agreed political, economic and social reform objectives, in line with the incentive-based approach.

For multi-country umbrella programmes, that share shall be determined according to the progress made by partner countries in building deep and sustainable democracy, also taking into account their progress in implementing agreed reform objectives contributing to that goal.

Partner countries' progress shall be regularly assessed, notably by means of European Neighbourhood Policy progress reports which include trends as compared to previous years.

Support may be reconsidered in the event of serious or persistent regression.

1b. *The incentive-based approach shall not apply to support to civil society, people-to-people contacts, including cooperation between local authorities, support for the improvement of human rights, or crisis-related support measures. In the event of serious or persistent regression, such support may be increased.*

1c. *The incentive-based approach under this Regulation will be the subject of regular exchanges of views in the Council and in the European Parliament.*

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. That partnership shall involve as appropriate, **■ the following stakeholders ■** in preparing, implementing and monitoring Union support :

i) national and local authorities;

(ii) civil society organisations;

including through consultation and timely access to relevant information allowing them to play a meaningful role in that process.

3. Union support under this Regulation shall in principle be co-financed by the partner **countries and other participating** countries through public funds, contributions from the beneficiaries or other sources. **■** Co-financing requirements may be waived in duly justified cases and when this is necessary to support the development of civil society and non-state actors, **especially small-scale civil society organisations**, without prejudice to compliance with the other conditions set out in the Financial Regulation.

Article 5

Coherence and Donor Coordination

1. In implementing this Regulation, coherence shall be ensured with **all** areas of the Union external action as well as other relevant Union policies. To this end, measures financed under this Regulation, including those managed by the European Investment Bank (EIB), shall be based on the cooperation policy documents described in Article 3(1) and (2) as well as on the Union's specific interests, policy priorities and strategies. Such measures shall respect the commitments under multilateral agreements and international conventions to which the Union and partner countries are parties.
2. The **Union**, the Member States and the EIB shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States and **European financial institutions**.
3. The Union and the Member States shall coordinate their respective support programmes with the aim of increasing effectiveness and efficiency in the delivery of support and policy dialogue **and preventing overlapping of funding** in line with the established principles for strengthening operational coordination in the field of external support, and for harmonising policies and procedures. Coordination shall involve regular consultations and frequent exchanges of relevant information during the different phases of the support cycle, in particular at field level. **Joint programming shall be implemented whenever possible and relevant. When this can not be achieved, other arrangements, such as delegated cooperation and/or transfer arrangements, shall be considered to ensure the highest degree of coordination. The Commission shall report on joint programming with Member States within the report referred to in Article 16 of Regulation EU) No .../... of the European Parliament and of the Council¹*, and shall include recommendations in cases, where joint programming was not fully achieved.**

¹ *Regulation (EU) .../... of the European Parliament and of the Council of ... establishing common rules and procedures for the implementation of the Union's instruments for external action (OJ L ...).*

* *OJ: please insert the number in the text as well as the date and the OJ publication reference in the footnote of the Regulation in document 2011/0415 (COD).*

4. The Union shall, in liaison with the Member States, take the necessary steps, *including consultations at an early stage of the programming process*, to ensure *complementarity*, proper coordination and cooperation with multilateral and regional organisations and entities, including European financial institutions, international financial institutions, United Nations agencies, funds and programmes, private and political foundations and non- ■ Union donors.

4a. The documents referred to in Article 7(1) and (2) shall also, to the extent possible, refer to the activities of other Union donors.

TITLE II

INDICATIVE PROGRAMMING AND ALLOCATION OF FUNDS

Article 6

Type of programmes

1. Union support under this Regulation shall be programmed through:
 - (a) bilateral programmes covering support to one partner country;
 - (b) multi-country programmes which address challenges common to all or a number of partner countries, ***based on priorities of the Eastern Partnership and Southern Dimension of the European Neighbourhood Policy and taking into account the work carried out in the context of the Union for the Mediterranean***, and regional and sub-regional cooperation, ***primarily*** between two or more partner countries, ***including also in the framework of the Northern Dimension and Black Sea Synergy. This may involve the Russian Federation in accordance with Article 1(3)***;
 - (c) Cross-Border Cooperation programmes addressing cooperation between one or more Member States on the one hand and one or more partner countries and/or the Russian Federation (***"other Cross-Border Cooperation participating countries"***) on the other hand taking place along their shared part of the external border of the **■ Union**.

Priorities for Union support are set out in Annex II.
2. Union support under this Regulation shall be implemented in accordance with Regulation (EU) No .../...* ***and for the programmes referred to in the Article 6 (1)(c) of this Regulation also in accordance with the ENI Cross-Border Cooperation Implementing Rules.***

* ***OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).***

Article 7

Programming and indicative allocation of funds

for country and multi country indicative programmes

-1a. Indicative financial allocations for country programmes shall be determined on the basis of criteria set out in Article 4(1).

1. For countries *for which* documents referred to in Article 3(2) *of this Regulation* exist, a comprehensive multi-annual Single Support Framework shall be adopted in accordance with the examination procedure referred to in Article 15(3) of Regulation *(EU) No. ...*^{*}. The Single Support Framework shall

(i) review the progress made in relation to the policy framework and *the achievement of previously agreed objectives and take stock of the state of play as regards the relations between the Union and the partner country, including the level of ambition for the partner country's partnership with the Union;*

(ii) *set out the objectives and* ■ *priorities of the support* ■ , mainly selected from those included in the documents referred to in Article 3(2) *of this Regulation* and in partner countries' strategies or plans *where this is consistent with the overall policy framework*, and for which the Union's regular assessment has shown the need for support;

(iii) *indicate expected results; and*

(iv) ■ *set out* ■ *the indicative level of funding broken down by priority.*

Indicative financial allocations for each Single Support Framework will be given in the form of a range of not more than 20%.

The duration of the Single Support Framework shall *in principle* correspond to the duration of the relevant document referred to in Article 3(2) *of this Regulation*.

^{*} *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

2. For countries *for which* documents referred to in Article 3(2) do not exist, a comprehensive programming document including a *strategy* and *multi*-annual indicative programme shall be adopted in accordance with the examination procedure referred to in Article 15(3) of Regulation (EU) No. ... *. It shall:

(i) define a Union response strategy on the basis *of* an analysis of *the* situation of the country concerned, ■ of its relations with the Union, *and of* the partner *countries'* strategies or plans *where this is consistent with the overall policy framework*;

(ii) *set out the objectives and* ■ priorities for Union support;

(iii) *indicate expected results*; and

(iv) *set out the* indicative level of funding broken down by priority.

Accompanying indicative financial allocations will be given in the form of a range of not more than 20%. The programming document shall have an appropriate multi-annual duration.

3. For multi-country programmes, a comprehensive programming document including a *strategy* and a *multi*-annual indicative programme shall be adopted in accordance with the examination procedure referred to in Article 15(3) of Regulation (EU) No. ... *. It shall :

(i) define *the objectives and* ■ priorities for Union support towards the region or the sub-region, *reflecting where applicable the priorities decided upon within the framework of the Eastern Partnership or the Union for the Mediterranean*;

(ii) *indicate expected results*; and

(iii) *set out* the indicative level of funding broken down by priority.

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

It shall have an appropriate multi-annual duration.

Indicative financial allocations for multi-country programmes shall be determined on the basis of transparent and objective criteria.

4. The Single Support Framework documents referred to in paragraph *1 of this Article* shall be reviewed when necessary, *including in the light of the relevant Union periodic reports and taking account of the work of the joint bodies established under the agreements with partner countries*, and may be revised in accordance with the examination procedure referred to in Article 15(3) of Regulation (EU) No. ... *. The programming documents referred to in paragraphs *2 and 3 of this Article* shall be reviewed at their mid-term or whenever necessary and may be revised in accordance with the same procedure.

4a. To facilitate the implementation of the incentive-based approach referred to in Article 4(1a), in the range of 10% of the ENI budget will be allocated to multi-country umbrella programmes that will supplement the country financial allocations referred to in Article 7(1) and (2). The relevant Commission decisions establishing these umbrella programmes will specify the countries that may receive allocations, with the actual allocations to be decided on the basis of progress towards deep and sustainable democracy and implementation of agreed reform objectives contributing to that goal.

■

6. When it is necessary to implement more effectively measures for the common benefit of the Union and partner countries, in areas such as transnational *cooperation* and inter-connections, funding under this Regulation can be pooled together with funding covered by other relevant Union Regulations establishing financial instruments. In this case, the Commission shall decide which single set of rules *shall* apply to implementation.

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

7. *Member States shall be involved in the programming process, in accordance with Article 15(3) of Regulation (EU) No. ... *.* Those Member States and other donors that have committed to jointly programme their support with the *Union* shall be *particularly closely* involved ■ . The programming documents may also cover their contribution as appropriate.
8. *Where* Member States and other donors have committed to jointly programme their support, a joint multi-annual programming document may replace the Single Support Framework referred to in paragraph 1 and the programming documents referred to in paragraphs ■ 2 and 3, on condition that it meets the requirements set out in these provisions.
9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an *ad hoc* review of the programming documents may be conducted. Such emergency review shall ensure that coherence between *Union policies*, Union support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information *no later than* within one month of their adoption.
10. *Any programming or reviews of programmes taking place after the publication of the Mid-term report referred to in Article 16 of Regulation (EU) No. ... * shall take into account the results, findings and conclusions of it.*

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

TITLE III

CROSS-BORDER COOPERATION

Article 8

Geographical eligibility

1. The Cross-Border Cooperation programmes referred to in Article 6(1)(c) can be established:
 - (a) for land borders, covering the territorial units corresponding to *Nomenclature of territorial units for statistics (NUTS)* level 3 or equivalent along the land borders between Member States and *the other Cross-Border Cooperation participating countries without prejudice to potential adjustments needed to ensure the coherence and continuity of cooperation action, and in line with the provisions of Article 9(4)*;
 - (b) for maritime borders, covering the territorial units corresponding to NUTS level 3 or equivalent along maritime borders between Member States and *the other Cross-Border Cooperation participating countries* ■ , separated by a maximum of 150 km, without prejudice to potential adjustments needed to ensure the coherence and continuity of cooperation action;

(c) around a sea basin, covering the coastal territorial units corresponding to NUTS level 2 or equivalent facing a sea basin common to Member States and *the other Cross-Border Cooperation participating countries* ■ .

2. In order to ensure the continuation of existing cooperation schemes and in other justified cases, *and with a view to contribute to the programme's objectives*, territorial units adjoining to those referred to in paragraph 1 may be allowed to participate in Cross-Border Cooperation. *The conditions under which adjoining territorial units may participate in cooperation will be laid down in the Joint Operational Programmes.*

3. In duly justified cases, major social, economic or cultural centres *in the Member States or in other Cross-Border Cooperation participating countries* that are not adjoining to eligible territorial units may be included on condition that such participation contributes to the objectives laid down in the programming document. *The conditions under which such centres may participate in cooperation will be laid down in the Joint Operational Programmes.*

4. When programmes are established pursuant to paragraph 1(b), the Commission may, in agreement with the *participants*, propose that the geographical eligibility be extended to the whole NUTS level 2 territorial unit in whose area the NUTS level 3 territorial unit is located.

4a. Cross-Border Cooperation shall aim to be coherent with the objectives of existing and future macro-regional strategies.

Article 9

Programming and allocation of funds for Cross-Border Cooperation

1. A programming document shall be prepared for the purpose of defining the:
 - (a) strategic objectives to be pursued by Cross-Border Cooperation, ***and the priorities and expected results of that cooperation***;
 - (b) list of the joint operational programmes to be established;
 - (c) indicative breakdown of resources between land and maritime border programmes referred to in Article 8(1)(a) and (b) and sea basin programmes referred to in Article 8(1)(c);
 - (d) indicative multi-annual allocations to each joint operational programme;
 - (e) territorial units eligible to participate in each joint operational programme, and the ***territorial units*** and centres indicated in Article 8(2), 8(3) and 8(4);
 - (f) indicative allocation to support, as appropriate, horizontal capacity building actions, networking and exchange of experiences among programmes;

(g) contributions to the transnational programmes established under Regulation (EU) No ... of the European Parliament and the Council^{1*}, *in* which partner countries and/or the Russian Federation participate.

The programming document shall cover a period of seven years and shall be adopted by the Commission in accordance with the examination procedure referred to in Article 15(3) of Regulation (EU) No. ... **. It shall be reviewed at mid-term or whenever necessary and may be revised in accordance with the same procedure referred to in that Article *of that Regulation*.

2. The joint operational programmes shall be co-financed by the European Regional Development Fund. The overall amount of the contribution from the European Regional Development Fund shall be determined pursuant to Article 4(4) of Regulation (EU) No... ***.. The provisions of this Regulation shall apply to the use of this contribution.

3. The Instrument for Pre-Accession may co-finance joint operational programmes to which *beneficiaries listed in Annex I to that Instrument* participate. The provisions of this Regulation shall apply to the use of this co-financing.

4. The indicative allocations of funds to the joint operational programmes shall be based **■** on *objective criteria, in particular* the population of the eligible *territorial units as defined in Article 8 (1) (a), (b) and (c)*. When determining the indicative allocations, adjustments may be made to reflect the need for a balance between the contributions from the European Regional Development Fund and the contributions provided under the budget of this Instrument as well as other factors affecting the intensity of cooperation, such as the specific characteristics of border areas and their capacity to manage and absorb Union support.

¹ *Regulation (EU) No .../2013 of the European Parliament and of the Council of ... on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal (OJ L ...).*

* *OJ: please insert the number in the text as well as the date and the OJ publication reference in the footnote of the Regulation in document PE-CONS 81/13.*

** *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

*** *OJ: please insert the number in the text of the Regulation in document PE-CONS 81/13.*

Article 10

Joint operational programmes

1. Cross-Border Cooperation shall be implemented through multi-annual joint operational programmes covering cooperation for a border or a group of borders and comprising multi-annual measures that pursue a consistent set of priorities and that may be implemented with Union support. Joint operational programmes shall be based on the programming document referred to in Article 9. They shall include a summary description of the management and control systems covering the elements referred to in Articles 11(2) and **Article 12 (2)**.
2. Joint operational programmes for land and maritime borders shall be established for each border at the appropriate territorial level and shall include eligible territorial units belonging to one or more Member States and one or more ***other Cross-Border Cooperation participating countries*** **1** .
3. Joint operational programmes ***around*** sea basins shall be multilateral, established at the appropriate territorial level and include eligible territorial units facing a common sea basin belonging to several participating countries, including at least one Member State and one ***other Cross-Border Cooperation participating country***. They may include bilateral activities supporting cooperation between one Member State and one ***other Cross-Border Cooperation participating country***.
4. Within one year of approval of the programming document referred to in Article 9, ***and after the adoption of the Cross-Border Cooperation Implementing rules***, the participating countries shall jointly submit proposals for joint operational programmes to the Commission. The Commission shall adopt each joint operational programme after assessing its consistency with this regulation, the programming document and the implementing rules ***within a deadline set in the implementing rules. The Commission shall present the joint operational programmes to the European Parliament and the Member States for information within one month of the adoption of the programmes.***

5. **Areas** in countries other than Member States *or other Cross-Border Cooperation participating countries*, which are adjoining to eligible **areas** as defined in Article 8(1) (a) and (b) or face a common sea basin where a joint operational programme is being established may be covered by a joint operational programme and benefit from Union support under the conditions set out in the programming document referred to in Article 9.
6. The Commission and the participating countries shall take the appropriate measures to ensure that *Cross-Border Cooperation programmes, in particular for* sea basin, established under this Regulation and transnational co-operation programmes established under Regulation (EU) No [...] * and that have a partially overlapping geographical coverage will be fully complementary and mutually re-enforcing.
7. Joint operational programmes may be revised at the initiative of the participating countries or the Commission for reasons such as:
- a) changes in cooperation priorities, socio-economic developments,
 - b) results of implementing the measures concerned and those produced by the monitoring and evaluation process;
 - c) the need to adjust the amounts of available funds and reallocate resources.

* OJ: please insert the number in the text of the Regulation in document PE-CONS 81/13

8. ***By the end of the calendar year following the year of adoption of the joint operational programmes at the latest***, the Commission shall conclude a financing agreement with the ***other Cross-Border Cooperation participating*** countries [] . The financing agreement shall include the legal provisions necessary to implement the joint operational programme and may [] be ***co***-signed by the other participating countries and by the Managing Authority referred to in Article 12(2)(c) ***or by the country hosting the Managing Authority***.

Where necessary, ***an agreement (e.g. in the form of a memorandum of understanding)*** shall be concluded between the participating countries and the Managing Authority to set out the [] specific financial ***responsibilities and programme implementation modalities of the countries concerned, including their management and administrative tasks and*** responsibilities.

9. A joint operational programme involving more than one ***other Cross-Border Cooperation participating*** country is established if at least one ***other Cross-Border Cooperation participating*** country signs the financing agreement. Other ***Cross-Border Cooperation participating*** countries covered by an established programme can join the programme at any time by signing the financing agreement.

10. If a participating country undertakes to [] co-finance a programme, the joint operational programme shall clarify the arrangements ***and necessary safeguards*** for ***auditing***, providing, using and monitoring the co-financing. The related financing agreement shall be signed by all participating countries ***and programme's Managing Authority or by the country hosting the Managing Authority***.

11. Joint operational programmes may also provide for a financial contribution from and to instruments with which grants could be combined, subject to the rules of these instruments, provided that this contributes to achieving the programmes' priorities.

12. Following the principle of partnership, participating countries ***and their local authorities, where applicable***, shall jointly select actions for Union support that are consistent with the priorities and measures of the joint operational programme.
13. In specific and duly justified cases, where:
- (a) a joint operational programme cannot be submitted owing to problems arising in relations between participating countries or between the European Union and ***an other Cross-Border Cooperation participating*** country; ***or***
 - (b) by 30 June 2017, at the latest, the participating countries have not yet submitted to the Commission a joint operational programme; ***or***
 - (c) none of the ***other Cross-Border Cooperation participating*** countries ***in*** the programme have signed the relevant financing agreement by the end of the year following the adoption of the programme; ***or***
- (ca) the joint operational programme cannot be implemented owing to problems arising in relations between participating countries***, the Commission, following consultations with the Member State(s) concerned, shall take the necessary steps to allow the Member State(s) concerned to use the contribution from the European Regional Development Fund to the joint operational programme pursuant to Article 4(7) and (8) of Regulation (EU) No ...* .
14. Budget commitments for ***Cross-Border Cooperation*** actions or programmes extending over more than one financial year may be broken down over several years into annual instalments.

* ***OJ: please insert the number in the text of the Regulation in document PE-CONS 81/13.***

Article 11

Management of joint operational programmes

1. Joint operational programmes shall *usually* be implemented in shared management with Member States. *However, participating* countries may propose implementation in indirect management, by an entity listed in the Financial Regulation and in accordance with the *implementing rules* referred to in Article 12(2) of this Regulation.
2. The Commission shall satisfy itself on the basis of available information that the Member State in case of shared management, or the *other Cross-Border Cooperation participating* country or the international organisation in case of indirect management, have set up and operate management and control systems that comply with the Financial Regulation, this Regulation, and its implementing rules referred to in Article 12(2) of this Regulation.

Member States, *other Cross-Border Cooperation participating* countries and international organisations concerned shall ensure the effective functioning of their management and control system, the legality and regularity of the underlying transactions and the respect of the principle of sound financial management. They shall be responsible for the management and control of the programmes.

The Commission may require the Member State or the *other Cross-Border Cooperation participating* country or the international organisation concerned to examine a complaint submitted to the Commission concerning the selection or implementation of operations supported under this Title or the functioning of the management and control system.

3. In order to allow the joint operational programmes to prepare adequately for implementation, expenditure incurred after the submission of the joint operational programmes to the Commission shall be eligible ■ from 1 January 2014.

4. Where eligibility is restricted in accordance with Article 8(7) of the ■ Regulation (EU) No. ...*, the entity referred to in paragraph 1 *of this Article*, which may launch calls for proposals and tenders, is entitled in such case to accept as eligible tenderers, applicants and candidates from non eligible countries, or goods from non eligible origin, in accordance with *Articles 8(2) and 9(3) of Regulation (EU) No. ...**.

Article 12

Implementing rules for Cross Border Cooperation

1. Implementing rules laying down specific provisions for the implementation of this Title shall be adopted ■ in accordance with *the examination procedure referred to in Article 15(3) of Regulation (EU) No. ...**.

2. Matters covered by the Implementing Rules shall include *detailed* provisions on, *inter alia*:

- (a) the rate and methods of co-financing;
- (b) the *content*, preparation, modification and closure of joint operational programmes;
- (c) the role and function of the programme structures, *e.g.* Joint Monitoring Committee, Managing Authority and its Joint Technical Secretariat, ■ including their standing, effective identification, accountability and responsibility, description of Management and Control Systems, and conditions on the technical and financial management of Union support, including eligibility of expenditure;

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

- (d) recovery procedures *in all participating countries*; the monitoring and evaluation;
- (e) the visibility and information activities
- (f) shared and indirect management as referred to in Article 6(2) of Regulation *(EU) No. ...**.

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

TITLE IV

FINAL PROVISIONS

Article 13

■ *Delegation of power to the Commission*

■
The Commission shall be empowered to adopt delegated acts in accordance with Article 14 to amend the Annex II. In particular, following the publication of the Mid-term report, as referred to in Article 16 of Regulation (EU) No. ..., and based upon the recommendations contained in the Mid-term review report, the Commission shall adopt a delegated act amending Annex II by 31 March 2018.*

Article 14

Exercise of the delegation

-1a. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

1. The power *to adopt delegated acts* referred to in Article ■ 13 shall be conferred *on the Commission until 31 December 2020* .
2. The delegation of power *referred to in Article 13* may be revoked at any time by the European Parliament or by the Council. A decision *to revoke* shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
3. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and *to* the Council.

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

4. A delegated act adopted *pursuant to Article 13* shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of *that* act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **two** months at the initiative of the European Parliament or the Council.

Article 15

■ Committee

The Commission shall be assisted by the European Neighbourhood Instrument Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Article 16

Participation by a third country not *covered by Article 1*

1. In duly justified circumstances and *in order* to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation, the Commission may decide, *on a case by case basis*, to extend the eligibility of *specific* actions *in accordance with Article 2 of the Regulation (EU) No...** to countries, territories and ■ *areas* which otherwise would not be eligible for financing. Notwithstanding the provisions of Article 8(1) of Regulation *(EU) No. ...**, natural and legal persons from countries, territories and ■ *areas* concerned may participate in the procedures implementing such actions.
2. Provision may be made for this possibility in the programming documents referred to in Article 7.

■

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

* *OJ: please insert the number in the text of the Regulation in document 2011/0415 (COD).*

Article 18

Financial *envelope*

1. The financial envelope available for *the implementation of* this Regulation *for* the period 2014 to 2020 *is set at* EUR 15 432 634 000 *at* current prices. Up to 5% of the financial envelope shall be allocated to the Cross-Border Cooperation programmes referred to in Article 6(1) (c).
 2. Annual appropriations shall be authorized by the *European Parliament and the Council* within the limits of the *multiannual* financial framework.
 3. As referred to in Article 13(2) of ■ Regulation (EU) No ... of the European Parliament and of the Council^{1*}, in order to promote the international dimension of higher education, an indicative amount of EUR 1 680 000 000 from the different external instruments, *namely* Development Cooperation Instrument, *ENI*, Instrument for Pre-accession Assistance *II and* Partnership Instrument ■, will be allocated to actions of learning mobility to or from non EU countries and to cooperation and policy dialogue with authorities/institutions/organisations from these countries. The provisions of Regulation (EU) No ...^{**} will apply to the use of those funds.
- The funding will be made available through *two* multiannual allocations only covering the first *four* years and the remaining *three* years respectively. This funding will be reflected in the multiannual indicative programming of these instruments, in line with the identified needs and priorities of the countries concerned. The allocations can be revised in case of major unforeseen circumstances or important political changes in line with the *Union* external priorities.

¹ *Regulation (EU) No .../2013 of the European Parliament and of the Council of ... establishing "Erasmus+": the Union programme for education, training, youth and sport and repealing Decisions Nos 1719/2006/EC, 1720/2006/EC and 1298/2008/EC (OJ L ...).*

* *OJ: please insert the number in the text as well as the date and the OJ publication reference in the footnote of the Regulation in document PE-CONS 63/13.*

** *OJ: please insert the number in the text of the Regulation in document PE-CONS 63/13.*

Article 19

European External Action Service

The application of this Regulation shall be in accordance with Decision (EU) No 2010/427/EU, establishing the organisation and functioning of the *EEAS*.

Article 20

Entry into force

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

It shall apply from 1 January **2014 until 31 December 2020**.

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

Done at Brussels,

For the European Parliament

The President

For the Council

The President

ANNEX I

Partner countries referred to in Article 1 *are*:

Algeria

Armenia

Azerbaijan

Belarus

Egypt

Georgia

Israel

Jordan

Lebanon

Libya

The Republic of Moldova

Morocco

occupied Palestinian territory (oPt)

Syria

Tunisia

Ukraine

I

ANNEX II

Priorities for Union support under this regulation

To support the specific objectives provided for in Article 2, also taking into account jointly agreed documents as set out in Article 3(2), Union funding may address the following priorities.

Some of the priorities may be relevant for more than one type of programmes. Possible amendments to this indicative list of priorities shall respect the principle of shared ownership.

Cross-cutting issues, including deep and sustainable democracy, human rights, gender equality and fight against corruption and environment will be addressed within these different priorities.

1. Union support at bilateral level shall, as appropriate, address inter alia the following priorities:

- human rights, good governance and the rule of law, including reform of justice, of the public administration and of the security sector;*
- institutional cooperation and capacity development including for the implementation of EU agreements;*

- *support to actors of the civil society and to their role in reforms processes and democratic transitions;*
- *sustainable and inclusive economic development, including at regional and local level and territorial cohesion;*
- *development of the social sectors in particular for the youth, with a focus on social justice and cohesion and employment;*
- *trade and private sector development, including support to small and medium-sized enterprises, employment and implementation of deep and comprehensive free trade areas;*
- *agriculture and rural development, including food security;*
- *sustainable management of natural resources;*
- *energy sector with a focus on energy efficiency and renewable energy;*
- *transports and infrastructure;*
- *education and skills development, including vocational education and training;*
- *mobility and migration management, including migrants protection;*
- *confidence building and other measures contributing to the prevention and settlement of conflicts, including support to affected populations and reconstruction.*

Those priorities may contribute to more than one objective of this Regulation.

2. Union support at multi-country level shall, as appropriate, address inter alia the following priorities:

- human rights, good governance and the rule of law;*
- institutional cooperation and capacity development;*
- regional cooperation, in particular in the framework of the Eastern partnership, Union for the Mediterranean and the Partnership for Democracy and Shared Prosperity;*
- higher education and skills development, students and staff mobility, youth and culture;*
- sustainable economic development, trade and private sector development and support to small and medium-sized enterprises;*
- energy sector, including energy networks;*
- transport and infrastructure interconnections;*
- sustainable management of natural resources, including water, green growth, environment and climate change adaptation and mitigation;*
- support to civil society;*
- mobility and migration management;*
- confidence building and other measures contributing to the prevention and settlement of conflicts.*

Those priorities may contribute to more than one objective of this Regulation.

3. Union support through Cross-Border Cooperation programmes shall, as appropriate, address the following priorities:

- *Economic and social development ;*
- *Environment, public health, safety and security;*
- *Mobility of persons, goods and capital.*

Those priorities reflect common challenges. They constitute the framework for the identification of specific priorities with the Cross-Border Cooperation participating countries. Civil society organisations will be involved in the development of the programmes and will be, together with local and regional authorities, their main beneficiaries.

Financial allocations per type of programmes

Bilateral programmes: up to 80%

Multi-country programmes: up to 35%

Cross-Border Cooperation: up to 5%

ANNEX TO THE LEGISLATIVE RESOLUTION

STATEMENT BY THE EUROPEAN PARLIAMENT ON THE SUSPENSION OF ASSISTANCE GRANTED UNDER THE FINANCIAL INSTRUMENTS

The European Parliament notes that the Regulation establishing a financing instrument for development cooperation, the Regulation establishing a European Neighbourhood Instrument, the Regulation establishing a Partnership Instrument for cooperation with third countries and the Regulation on the Instrument for Pre-accession Assistance do not contain any explicit reference to the possibility of suspending assistance in cases where a beneficiary country fails to observe the basic principles enunciated in the respective instrument and notably the principles of democracy, rule of law and the respect for human rights.

The European Parliament considers that any suspension of assistance under these instruments would modify the overall financial scheme agreed under the ordinary legislative procedure. As a co-legislator and co-branch of the budgetary authority, the European Parliament is therefore entitled to fully exercise its prerogatives in that regard, if such a decision is to be taken.

COMMISSION DECLARATION ON THE STRATEGIC DIALOGUE WITH THE EUROPEAN PARLIAMENT¹

On the basis of Article 14 TEU, the Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the ENI and after initial consultation of its relevant beneficiaries, where appropriate. The Commission will present to the Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities*. The Commission will present to the Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities*, and financial allocations for such priorities foreseen in thematic programmes. The Commission will take into account the position expressed by the European Parliament on the matter.

The Commission will conduct a strategic dialogue with the European Parliament in preparing the Mid Term Review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The Commission, if invited by the European Parliament, will explain where Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue.

¹ The Commission will be represented at the responsible Commissioner level

*Where applicable

**COMMISSION DECLARATION CONCERNING THE USE OF IMPLEMENTING
ACTS FOR THE SETTING OF THE SPECIFIC PROVISIONS FOR THE
IMPLEMENTATION OF CERTAIN RULES IN THE EUROPEAN NEIGHBORHOOD
INSTRUMENT AND THE INSTRUMENT FOR PRE-ACCESSION ASSISTANCE
(IPA II)**

The Commission considers that the rules for implementing cross-border cooperation programmes as set out in Regulation (EU) No [XXX] of the European Parliament and of the Council (CIR) and other specific, more detailed implementing rules in Regulation (EU) No [XXX] of the European Parliament and of the Council on the Instrument for Pre-accession assistance (IPA II), *aim at supplementing the basic act and should therefore be delegated acts to be adopted on the basis of article 290 TFEU. The Commission will not stand against the adoption of the text as agreed by the co-legislators. Nevertheless, the Commission recalls that the question of delimitation between Articles 290 and 291 TFEU is currently under examination by the Court of justice in the "biocides" case.*

20.6.2012

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Foreign Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument
(COM(2011)0839 – C7-0492/2011 – 2011/0405(COD))

Rapporteur: Nirj Deva

AMENDMENTS

The Committee on 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 2**

Text proposed by the Commission

(2) Article 8 of the Treaty on European Union provides for the development of a special relationship with neighbouring countries, with the aim of establishing an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.

Amendment

(2) Article 8 of the Treaty on European Union provides for the development of a special relationship with neighbouring countries, with the aim of establishing an area of prosperity and good neighbourliness, founded on the values of the Union, ***as enshrined in Article 2 of the Treaty on European Union***, and characterised by close and peaceful relations based on cooperation.

Amendment 2

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) A number of major developments have taken place since the European Neighbourhood Policy was launched and the European Neighbourhood and Partnership Instrument was set up. These include a deepening of the relationship with the partners, the launch of regional initiatives and democratic transition processes ***in the region***. This triggered a new European Neighbourhood Policy vision set out in 2011 as a result of a comprehensive Strategic Review of the Policy. ***It*** outlines key objectives ***for Union*** cooperation ***with Neighbourhood countries and provides for greater*** support to partners committed to building ***democratic societies and undertaking reforms***, in line with the ‘more for more’ and ‘mutual accountability’ principles.

Amendment

(7) A number of major developments have taken place since the European Neighbourhood Policy was launched and the European Neighbourhood and Partnership Instrument was set up. These include a deepening of the relationship with the partners, the launch of regional initiatives and democratic transition processes, ***in the Eastern Partnership countries, and in particular in the countries on the southern shores of the Mediterranean following the events of the Spring of 2011***. This triggered a new European Neighbourhood Policy vision set out in 2011 as a result of a comprehensive Strategic Review of the Policy. ***This policy*** outlines ***the*** key objectives ***in favour of*** cooperation ***and substantial*** support to partners committed to building ***a more equitable and democratic society which respects human rights and freedoms***, in line with the ‘more for more’ and ‘mutual accountability’ principles.

Amendment 3

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The scope of the instrument established by this Regulation should be such as to encourage a differentiated cross-border approach in order to facilitate the effective and swift implementation of the programmes in the countries involved in the European Neighbourhood Policy, to encourage the regional and interregional development of the projects and to promote a

decentralised cooperation policy.

Amendment 4

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support. The Commission must therefore seek the most efficient use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments.

Amendment

(19) European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support. The Commission must therefore seek the most efficient use of available resources by using financial instruments with leverage effect, ***domestic accountability and transparency, especially when providing budgetary support to third countries***. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments.

Amendment 5

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. The Union aims to establish an area of prosperity and good neighbourliness involving the European Union and the countries and territories listed in the Annex to this Regulation (hereinafter ‘the partner countries’) by developing a special relationship.

Amendment

1. The Union aims to establish an area of prosperity and good neighbourliness involving the European Union and the countries and territories listed in the Annex to this Regulation (hereinafter ‘the partner countries’) by developing a special relationship, ***thereby also contributing to the reduction of poverty in the partner countries***.

Justification

It is necessary to state clearly the EU's commitment to playing an active role in poverty reduction in its neighbourhood. In line with Article 21 of the Treaty on European Union,

poverty reduction must be mentioned as a general objective of the Instrument.

Amendment 6

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

1. Support under this Regulation shall promote enhanced political cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, and jointly agreed action plans.

Amendment

1. Support under this Regulation shall promote enhanced political **and social** cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, and jointly agreed action plans.

Amendment 7

Proposal for a regulation Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) sustainable and inclusive development in all aspects, poverty reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development, climate action **and** disaster resilience;

Amendment

(d) sustainable and inclusive development in all aspects, poverty reduction, **wealth creation**, including through private-sector development, **public-private partnership**, promotion of internal economic, social and territorial cohesion, rural development, climate action, disaster **prevention and preparedness and** resilience **to crises**;

Amendment 8

Proposal for a regulation Article 2 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) promoting, developing and consolidating the values of freedom,

democracy and respect for human rights and fundamental freedoms, and the principles of equality, the rule of law and good governance on which the Union is founded, through dialogue and cooperation with third countries;

Amendment 9

Proposal for a regulation

Article 2 – paragraph 2 - point e

Text proposed by the Commission

(e) promoting confidence building and other measures contributing to security and the prevention and settlement of conflicts;

Amendment

(e) **actively** promoting confidence building and other measures contributing to security and the prevention and settlement of conflicts, *especially frozen conflicts, including support in post-crisis situations and during the nation-building process;*

Amendment 10

Proposal for a regulation

Article 2 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) promoting the development of renewable energy (wind, hydroelectric, solar and photovoltaic) and combating global warming in order to achieve the objectives of the EU 2020 Strategy in terms of the development of interconnections and energy networks, such as the effective implementation of the Mediterranean Solar Plan or the DESERTEC programme;

Amendment 11

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

3. The achievement of these objectives shall be measured using notably the relevant EU periodic reports on the implementation of the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the EU regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, level of corruption, trade flows, indicators enabling measuring internal economic disparities, including employment levels.

Amendment

3. The achievement of these objectives shall be measured using notably the relevant EU periodic reports on the implementation of the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the EU regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections ***and processes, including the development of democratic political parties and the guaranteeing of political rights of candidates standing in elections***, level of corruption, trade flows, indicators enabling measuring internal economic disparities, including employment levels.

Amendment 12

**Proposal for a regulation
Article 3 – paragraph 1**

Text proposed by the Commission

1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, Council conclusions ***and*** European Parliament Resolutions as well as relevant conclusions of ministerial meetings with the partner countries shall constitute the overall policy framework for programming and implementing Union support under this Regulation.

Amendment

1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, Council conclusions, Resolutions ***of the European Parliament, the Euro-Mediterranean Parliamentary Assembly, the Euro-Mediterranean Regional and Local Assembly and the EURONEST Parliamentary Assembly***, as well as relevant conclusions of ministerial meetings with the partner countries shall constitute the overall policy framework for programming and implementing Union support under this

Regulation.

Amendment 13

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.

Amendment

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms, ***provided that the division of funds between the Union for the Mediterranean and the Eastern Partnership does not hamper achievement of the objectives of each of those two projects and is not conducted in such a way as to favour one at the expense of the other.*** Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.

Amendment 14

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. The partnership shall involve as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners and other non-state actors in preparing, implementing and monitoring

Amendment

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. The partnership shall involve as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners and other non-state actors in preparing, implementing and monitoring Union support ***in order to guarantee their***

Union support.

ownership of the projects concerned.

Amendment 15

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. In implementing this Regulation, coherence shall be ensured with other areas of the Union external action as well as other relevant Union policies. To this end, measures financed under this Regulation, including those managed by the European Investment Bank (EIB), shall be based on the cooperation policy documents described in Article 3(1) and (2) as well as on the Union's specific interests, policy priorities and strategies. Such measures shall respect the commitments under multilateral agreements and international conventions to which the Union and partner countries are parties.

Amendment

1. In implementing this Regulation, coherence shall be ensured with other areas of the Union external action as well as other relevant Union policies, ***as enshrined in Article 208 of the Treaty on the Functioning of the European Union with regard to policy coherence for development.*** To this end, measures financed under this Regulation, including those managed by the European Investment Bank (EIB), shall be based on the cooperation policy documents described in Article 3(1) and (2) as well as on the Union's specific interests, policy priorities and strategies. Such measures shall respect the commitments under multilateral agreements and international conventions to which the Union and partner countries are parties, ***and the obligations in respect of policy coherence for development , as enshrined in Article 208 of the Treaty on the Functioning of the European Union.***

Amendment 16

Proposal for a regulation

Article 7 – paragraph 9

Text proposed by the Commission

9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. Such emergency review shall ensure that coherence between Union

Amendment

9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. ***As part of such an emergency review, measures may be introduced to***

support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their adoption.

fund activities to facilitate the transition from emergency aid to long-term development activities, including activities intended to enhance beneficiaries' resilience to crises. Such emergency review shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments, *such as the European Instrument for Democracy and Human Rights (EIDHR) or the European Endowment for Democracy*, is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their adoption.

Justification

It is important to maintain the possibility, also provided under Regulation 1638/2006 of 24 October 2006, of reviewing programming documents with a view to introducing measures that aim at facilitating the transition from emergency aid to long-term development.

Amendment 17

Proposal for a regulation Article 20

Text proposed by the Commission

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union. It shall apply from 1 January 2014.

Amendment

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union. It shall apply from 1 January 2014 *to 31 December 2020*.

PROCEDURE

Title	Establishing a European Neighbourhood Instrument
References	COM(2011)0839 – C7-0492/2011 – 2011/0405(COD)
Committee responsible Date announced in plenary	AFET 17.1.2012
Opinion by Date announced in plenary	DEVE 17.1.2012
Rapporteur Date appointed	Nirj Deva 25.1.2012
Discussed in committee	14.5.2012
Date adopted	19.6.2012
Result of final vote	+: 25 –: 0 0: 1
Members present for the final vote	Thijs Berman, Michael Cashman, Véronique De Keyser, Nirj Deva, Leonidas Donskis, Charles Goerens, Catherine Grèze, Filip Kaczmarek, Michał Tomasz Kamiński, Gay Mitchell, Norbert Neuser, Jean Roatta, Birgit Schnieber-Jastram, Michèle Striffler, Keith Taylor, Eleni Theocharous, Patrice Tirolien, Ivo Vajgl, Anna Záborská, Iva Zanicchi
Substitute(s) present for the final vote	Agustín Díaz de Mera García Consuegra, Gesine Meissner, Judith Sargentini, Patrizia Toia
Substitute(s) under Rule 187(2) present for the final vote	Ioan Enciu, Gabriele Zimmer

25.6.2012

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on Foreign Affairs

on the proposal for a Regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument
(COM(2011)0839 – C7-0492/2011 – 2011/0405(COD))

Rapporteur: María Auxiliadora Correa Zamora

SHORT JUSTIFICATION

The aim of the European Neighbourhood Policy (ENP) is to establish an area of prosperity and good relations with the EU's neighbour countries. Under the ENP, the EU offers its neighbours a privileged relationship, building upon a mutual commitment to values such as democracy and human rights, the rule of law, good governance, market economy principles and sustainable development. The policy also provides for political partnerships and deeper economic integration, increased mobility and better people-to-people contacts.

The ENP was developed in 2004 and covers 16 partners to the east and south of the EU's borders, namely Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, the Republic of Moldova, Morocco, the occupied Palestinian territory, Syria, Tunisia and Ukraine. It is funded by a dedicated Instrument, the European Neighbourhood and Partnership Instrument (ENPI), which covers these 16 partner countries and Russia.

Changes to the EU's relationship with its neighbours and developments since the ENP was set up, particularly the advent of the Arab Spring, have given the EU cause to redefine its strategic policy framework for relations with its neighbour countries. The new approach calls for greater support to partners committed to building democratic societies and undertaking reforms, in line with the 'more for more' and 'mutual accountability' principles.

The European Neighbourhood Instrument has aptly complemented the ENP, but should be adapted to suit the new realities, and set up in such a way as to ensure that the principles enshrined in the new Neighbourhood Policy – such as 'more for more' – are implemented more effectively.

More for More

The type and amount of support provided to each partner country will be determined on the

basis of commitment to and progress with democratic reforms and the structural reforms required to build the foundations of a market-based economy.

Differentiation

The funds used to finance the Instrument shall be differentiated in form and amounts according to the economic situation and the needs of each of our neighbours, as well as their commitment to reforms and the progress they have made in implementing them, in line with the 'more for more' principle.

Streamlining

The rapporteur endorses the Commission's proposals to streamline procedures by simplifying the regulatory environment, making it easier for regions, partner countries, civil society organisations and SMEs to receive EU assistance, simplifying and shortening the programming process and ensuring the swifter adoption of implementing measures and swifter delivery of EU assistance.

Specific objectives of EU support

The scope of the Instrument covers the implementation of partnership and cooperation agreements, association agreements, deep and comprehensive free trade agreements (DCFTAs) or other relevant agreements, the promotion of good governance and equitable social and economic development.

The list of thematic areas of cooperation needs to be pared down to better reflect the core objectives and focus of the ENP. The rapporteur therefore endorses the Commission's approach, and would like to put forward key objectives with a view to establishing an area of prosperity and good relations with the EU's neighbour countries.

The rapporteur proposes for the ENI to support the principles of a market economy, the opening-up of markets in goods and services, business cooperation, private sector development, particularly by fostering SMEs and entrepreneurship, legal certainty for investment from both sides, worker employability, the fight against corruption, tax fraud and money laundering, energy and transport interconnections and the strengthening of social security networks.

Suspension

The EU must be both consistent and demanding in its approach to neighbourhood policy and in its commitment to establishing an area of prosperity and democracy. The rapporteur proposes for serious and repeated breaches of WTO rules or EU trade agreements to constitute sufficient grounds for the full or partial suspension of EU aid.

AMENDMENTS

The Committee on International Trade 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 3

Text proposed by the Commission

(3) The Union seeks to promote, develop and consolidate the values of liberty, democracy, respect for human rights and fundamental freedoms, principles of equality **and** the rule of law on which it is founded through dialogue and cooperation with third countries.

Amendment

(3) The Union seeks to promote, develop and consolidate the values of liberty, democracy, respect for human rights and fundamental freedoms, principles of equality, the rule of law **and good governance** on which it is founded through dialogue and cooperation with third countries.

Amendment 2

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Article 206 of the TFEU provides that the Union shall contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and foreign direct investment, and the lowering of customs and other barriers.

Amendment 3

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) Under the European Neighbourhood Policy, the Union offers Neighbourhood countries a privileged relationship, building upon a mutual commitment to and promotion of the values of democracy and human rights, the rule of law, good governance and the principles of market economy and sustainable development.

Amendment

(5) Under the European Neighbourhood Policy, the Union offers Neighbourhood countries a privileged relationship, building upon a mutual commitment to and promotion of the values of democracy and human rights, the rule of law, good governance, the principles of ***a well-functioning social*** market economy and sustainable development, ***which should facilitate the current transitional processes.***

Amendment 4

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In order to enhance sub-regional, regional and Neighbourhood-wide collaboration, as well as cross-border cooperation, a special emphasis should be placed on trade policy and the opportunities that this affords to boost the development of partner countries.

Amendment 5

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Concluding agreements on deep and comprehensive free trade areas (DCFTA) between the Union and the Neighbourhood countries is a priority that should lead to the gradual and balanced

opening-up of the goods and services markets of both parties, ensure that appropriate mechanisms are in place for implementing the measures needed to achieve that end and promote the adoption of plant health and environmental standards equivalent to those of the Union, as well as minimum social and labour standards. In this respect, the European Neighbourhood Instrument could also be a useful tool in preparations for the implementation of those agreements once adopted.

Amendment 6

Proposal for a regulation Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) The core objectives of the Union's Neighbourhood Policy must include opening up public procurement markets and ensuring legal certainty for investments from both sides.

Amendment 7

Proposal for a regulation Recital 19

Text proposed by the Commission

Amendment

(19) European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support. The Commission must therefore seek the most efficient use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments.

(19) European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support. The Commission must therefore seek the most efficient use of available resources by using financial instruments with leverage effect. Such effect could be increased *by making better use of the leveraging capacity of the European Investment Bank (EIB) and the European Bank for Reconstruction and*

Development (EBRD) and by enabling the use and re-use of funds invested and generated by financial instruments.

Amendment 8

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) Gender equality and anti-discrimination **should** be a cross-cutting objective in all actions undertaken under this Regulation.

Amendment

(21) Gender equality and anti-discrimination **must** be a cross-cutting objective in all actions undertaken under this Regulation.

Amendment 9

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) The Union is committed to promote in relations with its partners worldwide decent work as well as ratification and effective implementation of the internationally recognised labour standards and multilateral environment agreements, in relations with its partners worldwide.

Amendment

(22) The Union is committed to promote in relations with its partners worldwide decent work **and social justice** as well as ratification and effective implementation of the internationally recognised labour standards and multilateral environment agreements, in relations with its partners worldwide, **as well as good governance and the fight against corruption, tax fraud and money laundering**.

Amendment 10

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. The Union aims to establish an area of prosperity and good neighbourliness involving the European Union and the countries and territories listed in the Annex

Amendment

1. The Union aims to establish an area of prosperity, **social justice** and good neighbourliness involving the European Union and the countries and territories

to this Regulation (hereinafter ‘the partner countries’) by developing a special relationship.

listed in the Annex to this Regulation (hereinafter ‘the partner countries’) by developing a special relationship.

Amendment 11

Proposal for a regulation Article 2 – paragraph 4

Text proposed by the Commission

4. Support under this Regulation shall promote enhanced political cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, and jointly agreed action plans.

Amendment

4. Support under this Regulation shall promote enhanced political cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements, ***deep and comprehensive free trade agreements (DCFTAs)*** or other existing and future agreements, and jointly agreed action plans.

Amendment 12

Proposal for a regulation Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, promoting good governance and developing a thriving civil society including social partners;

Amendment

(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, ***social market economy principles***, promoting good governance, ***and fighting against corruption, tax fraud and money laundering***, and developing a thriving civil society including social partners

Amendment 13

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) achieving progressive integration **into** the Union internal market and enhanced sector and cross-sectoral co-operation including through legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments, notably in interconnections;

Amendment

(b) achieving **the** progressive integration **and the increasing of economic exchanges with** the Union internal market and enhanced sector and cross-sectoral co-operation, **in particular through mutual opening of markets for goods and services**, including through legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments, notably in interconnections **of energy and transport**.

Amendment 14

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) creating conditions for well managed mobility of people and promotion of people-to-people contacts;

Amendment

(c) creating conditions for well managed mobility of people, **active participation of civil society and social stakeholders** and promotion of people-to-people contacts **as well as business cooperation while ensuring that resources are used more efficiently to foster a leverage effect on regional integration and contribute to the resolution of internal conflicts and a reduction in migration**;

Amendment 15

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) sustainable and inclusive development

Amendment

(d) sustainable and inclusive development

in all aspects, poverty reduction, *including* through *private-sector development*; promotion of internal economic, social and territorial cohesion, rural development, climate action and disaster resilience;

in all aspects, poverty reduction through *strengthening social security networks, promoting decent work and the ratification and effective implementation of international labour standards, improving worker employability and training and developing public services and the private sector, particularly by fostering SMEs and entrepreneurship*; promotion of internal economic, social and territorial cohesion, rural development, climate action and disaster resilience;

Amendment 16

Proposal for a regulation

Article 2 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) ensuring that the markets of the Neighbourhood countries are opened up to European companies;

Amendment 17

Proposal for a regulation

Article 2 – paragraph 2 – point e (new)

Text proposed by the Commission

Amendment

(e) creating a favourable climate for foreign direct investment ensuring legal certainty for investment from both sides;

Amendment 18

Proposal for a regulation

Article 2 – paragraph 6

Text proposed by the Commission

Amendment

6. The achievement of these objectives shall be measured using notably the

6. The achievement of these objectives shall be measured using notably the

relevant EU periodic reports on the implementation of the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the **EU** regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, level of corruption, trade flows, indicators enabling measuring internal economic disparities, including employment levels.

relevant EU periodic reports on the implementation of the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the **Union** regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, ***pluralism or concentration of the media***, level of corruption, trade flows ***and investments***, indicators enabling measuring ***tendencies in*** internal economic ***and social*** disparities, including employment levels.

Amendment 19

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, Council conclusions and European Parliament Resolutions as well as relevant conclusions of ministerial meetings with the partner countries shall constitute the overall policy framework for programming and implementing Union support under this Regulation.

Amendment

1. The partnership and cooperation agreements, the association agreements ***deep and comprehensive free trade agreements (DCFTAs)*** and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, Council conclusions and European Parliament Resolutions as well as relevant conclusions of ministerial meetings with the partner countries shall constitute the overall policy framework for programming and implementing Union support under this Regulation.

Amendment 20

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.

Amendment

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, ***its observance, respect for and compliance with the fundamental principles of the rule of law and a social market economy***, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.

Amendment 21

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. The partnership shall involve as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners ***and other non-state actors*** in preparing, implementing and monitoring Union support.

Amendment

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. The partnership shall involve as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners in preparing, implementing and monitoring Union support.

Amendment 22

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

2. The Commission, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States **and the European Investment Bank**.

Amendment

2. The Commission, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States, **the EIB and the EBRD**.

Amendment 23

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. The Union shall, in liaison with the Member States, take the necessary steps to ensure proper coordination and cooperation with multilateral and regional organisations and entities, including European financial institutions, **international financial institutions**, United Nations agencies, funds and programmes, private and political foundations and non-European Union donors.

Amendment

4. The Union shall, in liaison with the Member States, take the necessary steps to ensure proper coordination and cooperation with multilateral and regional organisations and entities, including European financial institutions, United Nations agencies, funds and programmes, private and political foundations and non-European Union donors, **fully respecting the sovereignty and the economic choices of each country**;

Amendment 24

Proposal for a regulation Article 7 – paragraph 9

Text proposed by the Commission

9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the programming documents may be

Amendment

9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, **of serious and repeated breaches of World Trade Organisation (WTO) rules or EU trade**

conducted. Such emergency review shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their adoption.

agreements or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. Such emergency review shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their adoption.

Amendment 25

Proposal for a regulation Article 17

Text proposed by the Commission

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union support.

Amendment

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, ***or commits serious and repeated breaches of WTO rules or EU trade agreements***, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of

Union support.

PROCEDURE

Title	Establishing a European Neighbourhood Instrument
References	COM(2011)0839 – C7-0492/2011 – 2011/0405(COD)
Committee responsible Date announced in plenary	AFET 17.1.2012
Opinion by Date announced in plenary	INTA 17.1.2012
Rapporteur Date appointed	María Auxiliadora Correa Zamora 29.2.2012
Discussed in committee	30.5.2012
Date adopted	21.6.2012
Result of final vote	+: 22 –: 3 0: 4
Members present for the final vote	William (The Earl of) Dartmouth, Laima Liucija Andrikienė, John Attard-Montalto, Maria Badia i Cutchet, Daniel Caspary, María Auxiliadora Correa Zamora, Marielle de Sarnez, Yannick Jadot, Metin Kazak, Franziska Keller, Bernd Lange, David Martin, Paul Murphy, Cristiana Muscardini, Franck Proust, Godelieve Quisthoudt-Rowohl, Niccolò Rinaldi, Helmut Scholz, Peter Šťastný, Gianluca Susta, Iuliu Winkler, Paweł Zalewski
Substitute(s) present for the final vote	Amelia Andersdotter, George Sabin Cutaş, Syed Kamall, Elisabeth Köstinger, Marietje Schaake, Konrad Szymański
Substitute(s) under Rule 187(2) present for the final vote	Françoise Castex, Marielle Gallo, Lidia Joanna Geringer de Oedenberg

7.6.2012

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Foreign Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument
(COM(2011)0839 – C7-0492/2011 – 2011/0405(COD))

Rapporteur: Jan Kozłowski

SHORT JUSTIFICATION

The overall aim of EU Neighbourhood policy is to extend the area of liberty, democracy, respect for human rights and fundamental freedoms to its neighbouring countries, as stipulated by Article 8 of the TEU. It is a policy that could be considered as investment in the future of the EU and covers 16 partners to the East and South of EU's borders.

The Commission proposal for a new European Neighbourhood Instrument will benefit the EU's neighbouring countries supporting deeper political cooperation, closer economic integration with the EU and effective and sustainable transition to democracy.

Main elements of the Commission Proposal:

1. Agenda for simplification

The Commission presented its proposal for a Regulation establishing a European Neighbourhood Instrument on 7 December 2011. The proposal is in line with the overall agenda for simplification for the legislative framework in the next MFF 2014 - 2020, by focusing on the following elements:

- more efficiency through differentiation of the beneficiaries and application of the "more for more" principle - financial incentives are introduced for the most ambitious performers;

- more flexibility and easier access to funding for beneficiaries, especially through intensive use of delegated and implementing acts;

- streamline and narrow down the 29 thematic objectives to 6 specific objectives;
- a single programming tool for most neighbouring countries (single Support Framework);
- more harmonisation and simplification through the introduction of the new horizontal framework regulation, ensuring coherence of the external instruments and full use of synergies, as well as more legal certainty;
- more coordination and consistency of the aid between the EU and MS, and also other international donors;
- the possibility to transfer funds from the ENI and the relevant internal Heading of the EU budget to address cross-border challenges;
- enhanced use of financial instruments to seek the most efficient use of available resources - reinvesting funds generated by financial instruments, blending, etc.
- co-financing can be waived in duly justified cases, when it is necessary to support civil society and non-state actors.

2. Contribution towards Europe 2020 and other EU internal policies' goals

The new ENI instrument will include a stronger link with internal EU policies, notably the Europe 2020 goals, climate change, human rights and democracy.

3. Budgetary implications

The Commission proposal for overall allocation for ENI shows a 19% growth in constant 2011 prices (from EUR 13.546 mln. in the current MFF to EUR 16.097 mln. in the future MFF).

There is a provision for allocations within the framework of "Erasmus for All" programme - financing will come from the ENI instrument envelope and the other instruments benefiting from this provision. The allocations can be revised in case of major unforeseen circumstances necessitating that this money is streamlined into another direction. Your Rapporteur proposes to replace this indicative amount with a percentage of the financial allocations of the participating instruments.

Shortcomings of the proposal

Your rapporteur would like to focus this opinion on the following points in order to compensate for the existing shortcomings of the Commission proposal:

- in order to ensure their financial independence and the best conditions for attainment of their objectives, the creation of any new external instruments should not influence negatively funding from existing ones;

- full integration of the Budgetary authority in decision-making and implementation, where EU budget spending is involved;
- more coordination with the provisions of the Financial Regulation;
- further emphasis on aid coordination in order to reduce overlaps and improve consistency with EU and Member States' measures, but also other local, regional and international donors;
- respect the needs and differences of the Eastern and Southern partners when budgetary allocations are disbursed, ensuring as well a sufficient degree of flexibility to react to unforeseen circumstances;
- the "more for more principle" should be applied using transparent, objective and concrete indicators for performance, in order to avoid misuse of EU funding;
- include the concept of macro-regional strategies along the other cross-border measures, as this could create further leverage and would ensure more streamlined use of Union scarce resources.

AMENDMENTS

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

Amendment 1

Draft legislative resolution

Paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Points out that the financial envelope specified in the legislative proposal constitutes only an indication to the legislative authority and can not be fixed until agreement is reached on the proposal for a Regulation laying down the Multiannual Financial Framework for the years 2014-2020;

Amendment 2

Draft legislative resolution

Paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Recalls its resolution of 8 June 2011 on Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe; reiterates that, sufficient additional resources are needed in the next MFF in order to enable the Union to fulfil its existing policy priorities and the new tasks provided for in the Treaty of Lisbon, as well as to respond to unforeseen events; points out that even with an increase in the level of resources for the next MFF of at least 5% compared to the 2013 level only a limited contribution can be made to the achievement of the Union's agreed objectives and commitments and the principle of Union solidarity; challenges the Council, in case it does not share this approach, to clearly identify which of its political priorities or projects could be dropped altogether, despite their proven European added value;.

Amendment 3

Proposal for a regulation Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) This Regulation should lay down, for the entire duration of the instrument which it establishes, a financial envelope constituting the prime reference, within the meaning of point [...] of the Interinstitutional Agreement of XX/201Z between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management, for the budgetary authority during the annual budgetary procedure.

Amendment 4

Proposal for a regulation Recital -1 a (new)

Text proposed by the Commission

Amendment

(-1a) Improving the implementation and quality of spending should constitute a guiding principle for attainment of the objectives of the instrument hereby established, while ensuring optimal use of financial resources.

Amendment 5

Proposal for a regulation Recital -1 b (new)

Text proposed by the Commission

Amendment

(-1b) It is important to ensure sound financial management of the instrument hereby established and its implementation in the most effective and user-friendly manner possible, while also ensuring

legal certainty and the accessibility of the instrument to all participants.

Amendment 6

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Democracy and human rights have been placed at the forefront of the Union's relations with the partner countries, and to that end new structures, such as the European Endowment for Democracy, European Instrument for Democracy and Human Rights (EIDHR) or the Instrument for Stability (IFS) are being established to support civil society while acknowledging mutual complementarity.

Amendment 7

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Support provided under the European Neighbourhood Instrument to neighbouring developing countries and partner countries should be separate from the aid provided to those countries under the financing instrument for development cooperation (DCI). There should be separated scheduling of the various financial instruments provided for under the new multiannual financial framework (MFF) 2014-2020.

Amendment 8

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The Union should promote sustainable industry policy and provide know-how through capacity building on various levels. Environmentally responsible business should be reflected in the Union's and other donors' business related aid.

Amendment 9

Proposal for a regulation

Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In order to achieve the objectives of the European Neighbourhood Policy, a fair balance shall be ensured between the Eastern and Southern dimensions, while securing an adequate degree of flexibility with a performance driven approach centred on commitments and progress as regards reforms in partner countries taking into account historical key, financial and political situation in the European neighbourhood .

Amendment 10

Proposal for a regulation

Article 1 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The beneficiaries of the European Neighbourhood Instrument shall also be involved in the attainment of the goals of the Europe 2020 strategy for smart, sustainable and inclusive growth, and shall respect the principles of democracy, the rule of law, the universality and the indivisibility of human rights, environmental protection, the rights of

workers, social justice and entrepreneurship. Special attention shall also be given to measures aiming at poverty reduction and promoting social protection for the most vulnerable citizens at risk of poverty and social exclusion. Furthermore, they shall be supported with a view to developing the institutional and absorption capacity needed to use Union funding in the most appropriate ways.

Amendment 11

Proposal for a regulation Article 2 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Support under this Regulation shall reflect the goals of the Europe 2020 strategy goals, given the need for coherence between the Union's external and internal policies.

Amendment 12

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. Support under this Regulation shall promote enhanced political cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, and jointly agreed action plans.

1. Support under this Regulation shall promote enhanced political cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, ***declarations by multilateral and parliamentary summits under the Eastern and the Southern dimensions of the European Neighbourhood Policy***, and jointly agreed action plans.

Amendment 13

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, promoting good governance and developing a thriving civil society including social partners;

Amendment

(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy ***strengthened at regional and local level***, promoting good governance, ***fighting against corruption, contributing to institution and capacity building with a special focus on regional and local authorities that shall be empowered for the delivery of basic services, supporting democratic decentralization and*** developing a thriving ***accountability-enhancing*** civil society including social partners;

Amendment 14

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) achieving progressive integration into the Union internal market and enhanced sector and cross-sectoral co-operation including through legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments, notably in interconnections;

Amendment

(b) achieving progressive integration into the Union internal market and enhanced sector and cross-sectoral co-operation including through legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments ***in line with sustainable industry policy***, notably in interconnections;

Amendment 15

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) creating conditions for well managed mobility of people and promotion of people-to-people contacts;

Amendment

(c) creating conditions for well managed mobility of people and promotion of people-to-people contacts; ***facilitating legal migration and establishing a framework for support to asylum seekers and reintegration of refugees;***

Amendment 16

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) sustainable and inclusive development in all aspects, poverty reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development, climate action and disaster resilience;

Amendment

(d) sustainable and inclusive development in all aspects, poverty reduction ***and social justice***, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development, climate action, ***energy efficiency*** and disaster resilience;

Amendment 17

Proposal for a regulation

Article 2 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) encouraging the active participation of partner countries and civil society actors in the attainment of the Europe 2020 goals of smart, sustainable and inclusive growth, including the development of policies to help small and medium-sized enterprises.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In addition to periodic reports, there shall be a comprehensive evaluation of past and ongoing programmes along with enhanced monitoring of assistance in order to obtain additional feedback for altering programme design and deciding on resource allocation.

Amendment 19

Proposal for a regulation

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The European Neighbourhood Instrument shall also serve as an instrument for the establishment or enhancement of sufficient institutional and administrative capacity in order to ensure the correct utilisation of Union funds.

Amendment 20

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, Council conclusions and European Parliament Resolutions as well as relevant conclusions of ministerial meetings with the partner countries shall constitute the overall policy framework for programming and implementing Union support under this Regulation.

1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, Council conclusions and European Parliament Resolutions as well as relevant ***documents such as summit declarations or*** conclusions of ministerial meetings with the partner countries, ***notably within the framework of the Eastern and Southern dimensions of the European Neighbourhood Policy,*** shall constitute the

overall policy framework for programming and implementing Union support under this Regulation.

Amendment 21

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.

Amendment

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms, ***as well as the needs and capacities of the partner country in question and the potential impact of Union support, which shall be measured using specific performance indicators established by the Commission.*** Such differentiation shall ***also*** reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.

Amendment 22

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. ***Such differentiation shall reflect the level of ambition of the country's partnership with***

Amendment

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. ***This approach implies therefore that, without a clear commitment from the partner***

the Union, its progress in building deep and sustainable democracy, *its progress* in *implementing agreed* reform objectives, the *country's needs and capacities*, and the *potential impact of Union support*.

country in *a sector aimed at* building deep and sustainable democracy, *it shall be decided in full transparency with all EU institutions to remove any Union support in this area of reform instead of keeping on supporting a project which does not comply with the spirit of the new ENP objectives*.

Amendment 23

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The progress of reforms shall be measured using clear, transparent and objective, measurable and achievable indicators, without creating an excessive administrative burden.

Amendment 24

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. The partnership shall involve as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners and other non-state actors in preparing, implementing and monitoring Union support.

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. The partnership shall involve as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners and other non-state actors in preparing, implementing and monitoring Union support. ***In this regard, favourable conditions for participation of non-state actors in the Union's support programmes shall be established, in order to improve their involvement in these programmes. Furthermore, the Commission shall establish eligibility criteria for participation of regional and local authorities in funding programmes and***

ensure that there are no administrative obstacles for their involvement. Consultation and monitoring mechanism shall be set up so as to further involve civil society actors in the process of good governance of each partner country. Therefore civil society shall be permanently encouraged to participate in funding programmes; such participation shall be ensured, inter-alia, through simplification of funding rules. When establishing partnerships with beneficiaries, the Union shall respect concepts of decentralization and local democracy, social mobilization and building of accountable-civil society.

Amendment 25

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

3. Union support under this Regulation shall in principle be co-financed by the partner countries through public funds, contributions from the beneficiaries or other sources. The same principle shall be applicable to the cooperation with the Russian Federation, particularly with regard to programmes referred to in Article 6(1) (c). Co-financing requirements may be waived in duly justified cases and when this is necessary to support the development of civil society and non-state actors, without prejudice to compliance with the other conditions set out in the Financial Regulation.

Amendment

3. Union support under this Regulation shall in principle be co-financed by the partner countries through public funds, contributions from the beneficiaries or other sources. The same principle shall be applicable to the cooperation with the Russian Federation, particularly with regard to programmes referred to in Article 6(1) (c). Co-financing requirements may be waived in duly justified cases and when this is necessary to support the development of civil society, **local and regional authorities and** non-state actors, without prejudice to compliance with the other conditions set out in the Financial Regulation. **Moreover, full financing shall be enabled when the Union has an interest in being the sole donor of action, enabling the engagement of local and regional actors.**

Amendment 26

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The support provided by the Union support under this Regulation shall include, where appropriate funding for the external dimension of the EU's macro-regional strategies, such as the Strategy for the Baltic Sea Region, the Strategy for Danube Region and the strategy for the Adriatic-Ionian Initiative .

Amendment 27

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States and the European Investment Bank.

2. The Commission, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation, ***as well as under other financial instruments provided for in the 2014-2020 MFF, such as the financing instrument for development cooperation (DCI)***, and other support provided by the Union, the Member States and the European Investment Bank.

Amendment 28

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The Union and the Member States shall coordinate their respective support programmes with the aim of increasing effectiveness and efficiency in the delivery

3. The Union and the Member States shall coordinate their respective support programmes with the aim of increasing effectiveness and efficiency in the delivery

of support and policy dialogue in line with the established principles for strengthening operational coordination in the field of external support, and for harmonising policies and procedures. Coordination shall involve regular consultations and frequent exchanges of relevant information during the different phases of the support cycle, in particular at field level, and may lead to joint programming, delegated co-operation and/or transfer arrangements.

of support and policy dialogue ***and preventing overlapping of funding*** in line with the established principles for strengthening operational coordination in the field of external support, and for harmonising policies and procedures. Coordination shall involve regular consultations and frequent exchanges of relevant information during the different phases of the support cycle, in particular at field level, and may lead to joint programming, delegated co-operation and/or transfer arrangements. ***The coordination shall also involve financing under different internal and external instruments.***

Amendment 29

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. The Union shall, in liaison with the Member States, take the necessary steps to ensure proper coordination and cooperation with multilateral and regional organisations and entities, including European financial institutions, international financial institutions, United Nations agencies, funds and programmes, private and political foundations and non-European Union donors.

Amendment

4. The Union shall, in liaison with the Member States, take the necessary steps to ensure proper coordination and cooperation with multilateral and regional organisations and entities, including European financial institutions, international financial institutions, United Nations agencies, funds and programmes, private and political foundations and non-European Union donors. ***A comprehensive framework for improved interaction between ENI and other instruments shall be established.***

Amendment 30

Proposal for a regulation Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Coherent implementation of neighbourhood policies depends on highly

competent EU Delegation staff for whom additional educational measures and knowledge sharing in the form of follow-ups, monitoring, auditing and evaluation shall be ensured. Moreover, there is a need for education and training of local, regional and national beneficiaries where instruments of Twinning and Taiex shall be used.

Amendment 31

Proposal for a regulation

Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) inter-regional cooperation programmes addressing cooperation between regional entities of the Union's Member states and corresponding regional entities of the partner countries.

Amendment 32

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. For multi-country programmes, a comprehensive programming document including a Strategy and a Multi-annual indicative programme shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. It shall define the priorities for Union support towards the region or the sub-region and the indicative level of funding broken down by priority. It shall have an appropriate multi-annual duration.

3. For multi-country programmes, a comprehensive programming document including a Strategy and a Multi-annual indicative programme shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. It shall define the priorities for Union support towards the region or the sub-region, ***based where applicable on the priorities included in the multilateral documents referred to in Article 3(2)***, and the indicative level of funding broken down by priority. It shall have an appropriate multi-annual duration.

Amendment 33

Proposal for a regulation Article 7 – paragraph 5

Text proposed by the Commission

5. Financial allocations for country and multi-country programmes shall be determined using transparent and objective criteria reflecting the differentiation principle referred to in Article 4(1).

Amendment

5. Financial allocations for country and multi-country programmes shall be determined using transparent and objective criteria, ***clearly established and assessed, and*** reflecting the differentiation principle referred to in Article 4(1).

Amendment 34

Proposal for a regulation Article 7 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In order to maximise EU added value, duplication of efforts and resources shall be avoided and the role of financial bodies such as the European Investment Bank and the European Bank for Reconstruction and Development shall be enhanced.

Amendment 35

Proposal for a regulation Article 7 – paragraph 7

Text proposed by the Commission

7. Member States and other donors that have committed to jointly programme their support with the EU shall be involved in the programming process. The programming documents may also cover their contribution as appropriate.

Amendment

7. Member States and other donors that have committed to jointly programme their support with the EU shall be involved in the programming process. The programming documents may also cover their contribution as appropriate. ***The European Parliament and the Council shall be duly informed at all stages of the programming process, especially when Union budgetary spending is involved.***

Amendment 36

Proposal for a regulation Article 7 – paragraph 9

Text proposed by the Commission

9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. Such emergency review shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their adoption.

Amendment

9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. Such emergency review shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents ***facilitating support to civil society organisations, including through the European Endowment for Democracy.*** Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their adoption.

Amendment 37

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. In duly justified circumstances and to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation, ***the Commission may decide*** to extend the eligibility of actions to countries, territories and regions which otherwise would not be eligible for financing. Notwithstanding the provisions of Article 8(1) of the Common Implementing Regulation, natural and legal

Amendment

1. In duly justified circumstances and to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation, ***it may be decided to*** extend the eligibility of actions to countries, territories and regions which otherwise would not be eligible for financing. ***The decision shall be taken by the Commission through a delegated act in accordance with Article 14.***

persons from countries, territories and regions concerned may participate in the procedures implementing such actions.

Notwithstanding the provisions of Article 8(1) of the Common Implementing Regulation, natural and legal persons from countries, territories and regions concerned may participate in the procedures implementing such actions.

Amendment 38

Proposal for a regulation Article 17

Text proposed by the Commission

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union support.

Amendment

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union support. ***The European Parliament shall be fully and immediately informed of any decision taken in this regard.***

Amendment 39

Proposal for a regulation Article 18 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. As referred to in Article 13, paragraph 2

Amendment

3. As referred to in Article 13, paragraph 2

of the "Erasmus for All" Regulation, in order to promote the international dimension of higher education, an indicative amount *of EUR 1 812 100 000 from the different external* instruments (Development Cooperation Instrument, European Neighbourhood Instrument, Instrument for Pre-accession Assistance, Partnership Instrument and the European Development Fund), will be allocated to actions of learning mobility to or from non EU countries and to cooperation and policy dialogue with authorities/institutions/organisations from these countries. The provisions of the "Erasmus for All" Regulation will apply to the use of those funds.

of the "Erasmus for All" Regulation, in order to promote the international dimension of higher education, an indicative amount *corresponding to 2 % of the financial allocations available for the participating* instruments (Development Cooperation Instrument, European Neighbourhood Instrument, Instrument for Pre-accession Assistance, Partnership Instrument and the European Development Fund), will be allocated to actions of learning mobility to or from non EU countries and to cooperation and policy dialogue with authorities/institutions/organisations from these countries. The provisions of the "Erasmus for All" Regulation will apply to the use of those funds.

PROCEDURE

Title	Establishing a European Neighbourhood Instrument						
References	COM(2011)0839 – C7-0492/2011 – 2011/0405(COD)						
Committee responsible Date announced in plenary	AFET 17.1.2012						
Opinion by Date announced in plenary	BUDG 17.1.2012						
Rapporteur Date appointed	Jan Kozłowski 29.2.2012						
Date adopted	31.5.2012						
Result of final vote	<table> <tr> <td>+: </td><td>30</td></tr> <tr> <td>–: </td><td>6</td></tr> <tr> <td>0: </td><td>2</td></tr> </table>	+:	30	–:	6	0:	2
+:	30						
–:	6						
0:	2						
Members present for the final vote	Marta Andreasen, Richard Ashworth, Francesca Balzani, Zuzana Brzobohatá, Jean-Luc Dehaene, James Elles, Göran Färm, José Manuel Fernandes, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Jens Geier, Ivars Godmanis, Lucas Hartong, Jutta Haug, Sidonia Elżbieta Jędrzejewska, Anne E. Jensen, Ivailo Kalfin, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Claudio Morganti, Juan Andrés Naranjo Escobar, Nadezhda Neynsky, Dominique Riquet, Alda Sousa, László Surján, Jacek Włosowicz						
Substitute(s) present for the final vote	François Alfonsi, Alexander Alvaro, Frédéric Daerden, Charles Goerens, Edit Herczog, Jürgen Klute, María Muñoz De Urquiza, Jan Olbrycht, Paul Rübig, Peter Šťastný, Gianluca Susta						

1.6.2012

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Foreign Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument
(COM(2011)0839 – C7-0492/2011 – 2011/0405(COD))

Rapporteur: Sylvana Rapti

SHORT JUSTIFICATION

Since there is a shared interest in a democratic, stable, prosperous and peaceful wider area around Europe, the European Neighbourhood Policy (ENP) is essential for the stability of the neighbouring countries of the EU and contributes to the security and progress of all. The European Neighbourhood Instrument (ENI) as the means to implement the EU's policy towards its neighbours should build upon fundamental values like democracy and the rule of law but at the same time ought to provide the means for the realisation of specific goals such as creating employment and ensuring social protection that promise the empowerment and inclusive growth of these countries in the future. The EU, globally famous for its social model, has a unique expertise to share and to offer.

The ENI must be remodelled and set conditions - in a more effective way than the previous instrument - for the allocation of its funds to adequately and flexibly address developments and historical challenges in the partner countries. If conditionality and the 'more for more' principles are to be applied, progress on social issues that reflect the dignity and substantial progress of the societies should be prioritised.

As a consequence, a number of amendments setting social targets as prerequisites for financial aid are proposed to this regulation to reflect the spirit and the letter of the Lisbon Treaty and especially its famous social clause (Art. 9 TFEU, which states that "In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health").

AMENDMENTS

The Committee on Employment and Social Affairs 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 3

Text proposed by the Commission

(3) The Union seeks to promote, develop and consolidate the values of liberty, democracy, respect for human rights and fundamental freedoms, principles of equality and the rule of law on which it is founded through dialogue and cooperation with third countries.

Amendment

(3) The Union seeks to promote, develop and consolidate the values of liberty, democracy, respect for human rights and fundamental freedoms, principles of equality, ***fundamental social rights with special attention being paid to the rights of vulnerable groups*** and the rule of law on which it is founded through dialogue and cooperation with third countries.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Since it was launched, the European Neighbourhood Policy has significantly strengthened relations with partner countries and brought tangible benefits to both the Union and its partners.

Amendment

(4) Since it was launched, the European Neighbourhood Policy has significantly strengthened relations with partner countries and brought tangible benefits to both the Union and its partners. ***At the same time, bearing in mind the 2011 social and political crisis in which North Africa was involved and that many of the countries concerned are still affected by the resultant state of instability, action under the neighbourhood policy, notably in regard to its democratic development objectives, needs to be stepped up.***

Amendment 3

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) Under the European Neighbourhood Policy, the Union offers Neighbourhood countries a privileged relationship, building upon a mutual commitment to and promotion of the values of democracy and human rights, the rule of law, good governance and the principles of market economy and sustainable development.

Amendment

(5) Under the European Neighbourhood Policy, the Union offers Neighbourhood countries a privileged relationship, building upon a mutual commitment to and promotion of the values of democracy and human rights, the rule of law, good governance, ***employment, the development of human capital, social protection*** and the principles of market economy and sustainable development ***with a special focus on strengthening civil society.***

Amendment 4

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) Furthermore, it is important to foster and facilitate cooperation for the common benefit of Union and its partners, notably through pooling of contributions from internal and external instruments of the Union budget, in particular for Cross-Border Cooperation, infrastructure projects of Union interest that will pass through Neighbourhood countries and other areas of cooperation.

Amendment

(9) Furthermore, it is important to foster and facilitate, ***inter alia with the support of the Union's agencies,*** cooperation for the common benefit of Union and its partners, notably through ***the best and most effective coordination of resources provided and the*** pooling of contributions from internal and external instruments of the Union budget, in particular for Cross-Border Cooperation, infrastructure projects of Union interest that will pass through Neighbourhood countries, ***mechanisms promoting and monitoring employment*** and other areas of cooperation.

Amendment 5

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support. The Commission must therefore seek the most efficient use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments.

Amendment

(19) European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support. The Commission must therefore seek the most efficient **and transparent** use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments. ***It should also define clearly the priorities of the European Neighbourhood Policy, thereby setting criteria for the evaluation of achievements.***

Amendment 6

**Proposal for a regulation
Recital 21**

Text proposed by the Commission

(21) Gender equality **and** anti-discrimination should be a cross-cutting objective in all actions undertaken under this Regulation.

Amendment

(21) Gender equality, anti-discrimination, ***social justice, social inclusion and the workers' rights*** should be a cross-cutting objective in all actions undertaken under this Regulation.

Amendment 7

**Proposal for a regulation
Recital 22**

Text proposed by the Commission

(22) The Union is committed to promote in relations with its partners worldwide decent work as well as ratification and effective implementation of the internationally recognised labour standards and multilateral environment agreements,

Amendment

(22) The Union is committed to promote in relations with its partners worldwide decent work **and social dialogue**, as well as ratification and effective implementation of the internationally recognised labour standards and multilateral environment

in relations with its partners worldwide.

agreements, in relations with its partners worldwide.

Amendment 8

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The Union should support partner countries in their efforts to create employment and improve employability, tackle labour market issues and develop social policies.

Amendment 9

Proposal for a regulation Recital 22 b (new)

Text proposed by the Commission

Amendment

(22b) The Union should support partner countries in establishing stronger labour laws in order to protect children from abusive working conditions and in taking immediate action to eradicate illegal child labour.

Amendment 10

Proposal for a regulation Recital 22 c (new)

Text proposed by the Commission

Amendment

(22c) Cooperation in controlled circular mobility ensuring fair migration and the fight against trafficking and exploitation are essential to both the Union and its partners.

Amendment 11

Proposal for a regulation Recital 22 d (new)

Text proposed by the Commission

Amendment

(22d) Enhancing civil society and dialogue with the social partners as well as supporting the necessary structural economic, social and territorial cohesion and educational improvements in the partner countries should be among the objectives of this Regulation.

Amendment 12

Proposal for a regulation Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, promoting good governance ***and*** developing a thriving civil society including social partners;

(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, ***social justice***, establishing deep and sustainable democracy, ***freedom of the media***, promoting good governance ***and transparent procedures***, developing a thriving civil society including social partners ***and enhancing social dialogue***;

Amendment 13

Motion for a resolution Article 2 – paragraph 2 – point aa(new)

Motion for a resolution

Amendment

(aa) targeting decent sustainable job creation, social protection, the appropriate improvement of job quality and labour policies including educational and training programmes, and the protection of workers' rights, and dealing with abuses in the labour market to that

end, partner countries should be urged to ratify all core labour conventions of the International Labour Organization and to align national legislation with those conventions;

Amendment 14

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) achieving progressive integration into the Union internal market and enhanced sector and cross-sectoral co-operation including through legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments, notably in interconnections;

Amendment

(b) achieving progressive integration into the Union internal market ***with special support for small and medium-sized enterprises*** and enhanced sector and cross-sectoral co-operation including through ***social investment***, legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments, notably in interconnections ***and skills development. It is imperative however that economic integration does not bring about unfair competition on the internal market;***

Amendment 15

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) creating conditions for well managed mobility of people and promotion of people-to-people contacts;

Amendment

(c) creating conditions ***in accordance with the law*** for well managed mobility of people and promotion of people-to-people contacts, ***including student and vocational training exchange initiatives with adequate financial support;***

Amendment 16

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) sustainable and inclusive development in all aspects, **poverty** reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development, climate action and disaster resilience;

Amendment

(d) sustainable and inclusive development in all aspects, reduction **and prevention of poverty, unemployment and social exclusion with specific attention being paid to vulnerable groups**, including through private-sector development; promotion of internal economic, social and territorial cohesion, **sustainable** rural development, climate action and disaster resilience;

Amendment 17

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) promoting confidence building and other measures contributing to security and the prevention and settlement of conflicts;

Amendment

(e) promoting **cultural, ethnic and religious awareness and tolerance**, confidence building, **the control of irregular migration to prevent migrants from being exposed to the risks of, inter alia, illegal behaviour and poor living conditions** and other measures contributing to security and the prevention and settlement of conflicts;

Amendment 18

Proposal for a regulation

Article 2 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) ensuring the economic competitiveness of the European Union and its partner countries by including projects and procedures that best suit

SMEs, thereby helping them integrate better into the European Union's internal market.

Amendment 19

Proposal for a regulation

Article 2 – paragraph 2 – point e b (new)

Text proposed by the Commission

Amendment

(eb) coordinating EU support for SMEs, and promoting the creation of businesses between SMEs in partner countries and in the Union; encouraging development of SME projects and investments in partner countries, thereby releasing the resources needed to promote transnational cooperation.

Amendment 20

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

Amendment

3. The achievement of these objectives shall be measured using notably the relevant EU periodic reports on the implementation of the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the EU regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, level of corruption, trade flows, indicators enabling measuring internal economic disparities, including employment levels.

3. The achievement of these objectives shall be measured using notably the relevant EU periodic reports, ***including reports by the Union's Agencies***, on the implementation of the policy, and for paragraphs 2(a), ***(aa)***, (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the EU regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, ***the regulatory framework for social protection issues***, adequately monitored democratic elections, level of corruption, trade flows, indicators enabling measuring internal economic

disparities, including employment levels, *quality of employment human capital development, poverty levels, income distribution, respect for human rights and minority rights, independence of the judiciary and the obligation of the social partners and civil society to participate in social dialogue and their right to be consulted before legislation is introduced.*

Amendment 21

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, Council conclusions and European Parliament Resolutions as well as relevant conclusions of ministerial meetings with the partner countries shall constitute the overall policy framework for programming and implementing Union support under this Regulation.

Amendment

1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, Council conclusions and European Parliament Resolutions as well as relevant conclusions of ministerial meetings with the partner countries shall constitute the overall policy framework for programming and implementing Union support under this Regulation, *actively linked with existing internal instruments and policies of the Union regarding infrastructure, energy, transport, ICT, employment and social policy, migration, education, culture, research and innovation.*

Amendment 22

Proposal for a regulation Article 17

Text proposed by the Commission

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and

Amendment

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and

regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union support.

regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human ***and social*** rights and fundamental freedoms ***and social justice***, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union support.

PROCEDURE

Title	Establishing a European Neighbourhood Instrument	
References	COM(2011)0839 – C7-0492/2011 – 2011/0405(COD)	
Committee responsible Date announced in plenary	AFET 17.1.2012	
Opinion by Date announced in plenary	EMPL 17.1.2012	
Rapporteur Date appointed	Sylvana Rapti 19.1.2012	
Discussed in committee	24.4.2012	30.5.2012
Date adopted	31.5.2012	
Result of final vote	+: 31 -: 1 0: 2	
Members present for the final vote	Regina Bastos, Heinz K. Becker, Jean-Luc Bennahmias, Phil Bennion, Pervenche Berès, Vilija Blinkevičiūtė, Philippe Boulland, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Minodora Cliveti, Marije Cornelissen, Frédéric Daerden, Karima Delli, Sari Essayah, Richard Falbr, Thomas Händel, Marian Harkin, Nadja Hirsch, Ádám Kósa, Jean Lambert, Thomas Mann, Csaba Őry, Sylvana Rapti, Elisabeth Schroedter, Joanna Katarzyna Skrzydlewska, Jutta Steinruck, Inês Cristina Zuber	
Substitute(s) present for the final vote	Sergio Gutiérrez Prieto, Sidonia Elżbieta Jędrzejewska, Anthea McIntyre, Ria Oomen-Ruijten, Csaba Sógor	
Substitute(s) under Rule 187(2) present for the final vote	Jens Nilsson	

1.6.2012

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on Foreign Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument
(COM(2011)0839 – C7-0492/2011 – 2011/0405(COD))

Rapporteur: Konrad Szymański

AMENDMENTS

The Committee on Industry, Research and Energy 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 6

Text proposed by the Commission

(6) Two main political initiatives have shaped the regional cooperation in the European Union's Neighbourhood: the Eastern Partnership between the Union and its Eastern neighbours, and the Union for the Mediterranean between the Union and its Southern Mediterranean neighbours. These initiatives are meaningful political frameworks for deepening relations with and among partner countries, based on principles of shared ownership and responsibility.

Amendment

(6) Two main political initiatives have shaped the regional cooperation in the European Union's Neighbourhood: the Eastern Partnership between the Union and its Eastern neighbours, and the Union for the Mediterranean, ***along with ARLEM (the Euro-Mediterranean Regional and Local Assembly)***, between the Union and its Southern Mediterranean neighbours. These initiatives are meaningful political frameworks for deepening relations with and among partner countries, based on principles of shared ownership and

responsibility.

Amendment 2

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) A number of major ***developments*** have ***taken place*** since the European Neighbourhood Policy was launched and the European Neighbourhood and Partnership Instrument was set up. These include a deepening of the relationship with the partners, the launch of regional initiatives and democratic transition processes in the ***region***. This triggered a new European Neighbourhood Policy vision set out in 2011 as a result of a comprehensive Strategic Review of the Policy. ***It*** outlines key objectives for ***Union*** cooperation ***with Neighbourhood countries and provides for greater*** support to partners committed to building democratic societies ***and undertaking reforms***, in line with the ‘more for more’ and ‘mutual accountability’ principles.

Amendment

(7) A number of major ***political changes*** have ***occurred in both the southern and eastern neighbouring countries*** since the European Neighbourhood Policy was launched and the European Neighbourhood and Partnership Instrument was set up. These include a deepening of the relationship with the partners, the launch of regional initiatives and democratic transition processes, ***particularly in the countries on the southern shore of the Mediterranean following the events of spring 2011***. This triggered a new European Neighbourhood Policy vision set out in 2011 as a result of a comprehensive Strategic Review of the Policy. ***This policy*** outlines key objectives for ***promoting cooperation and*** support to partners committed to building ***more equitable and*** democratic societies ***which respect human rights and fundamental freedoms***, in line with the ‘more for more’ and ‘mutual accountability’ principles.

Amendment 3

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The scope of this instrument should promote a cross-border and differentiated approach in order to facilitate swift and effective implementation of the programmes in the countries covered by the European Neighbourhood Policy, so

as to encourage the regional and inter-regional development of projects and foster a policy of decentralised cooperation.

Amendment 4

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) Furthermore, it is important to foster and facilitate cooperation for the common benefit of Union and its partners, notably through pooling of contributions from internal and external instruments of the Union budget, in particular for Cross-Border Cooperation, infrastructure projects of Union interest that will pass through Neighbourhood countries and other areas of cooperation.

Amendment

(9) Furthermore, it is important to foster and facilitate cooperation for the common benefit of *the* Union and its partners, notably through pooling of contributions from internal and external instruments of the Union budget, in particular for Cross-Border Cooperation, infrastructure projects of Union interest that will pass through Neighbourhood countries, *in particular those concerning energy production and transport*, and other areas of cooperation *such as RDI and knowledge transfer and technology in the field of low carbon technologies and energy efficiency*.

Amendment 5

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Cross-Border Co-operation will contribute as appropriate to the implementation of existing and future macro-regional strategies.

Amendment

(12) Cross-Border Co-operation will contribute as appropriate to the implementation of existing and future macro-regional strategies. *Most notably by prioritising gas, electricity and oil corridors, and natural gas storage infrastructure.*

Amendment 6

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Support to be provided should also be coherent with the Union's long-term climate and energy goals, and in particular with the Climate and Energy 2050 Roadmaps and the goal of decarbonisation and achieving emissions reductions by 2050.

Amendment 7

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The European Neighbourhood Policy should enhance synergies with multilateral projects initiated through the Union for the Mediterranean.

Amendment 8

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) The Union and its Member States should improve the coherence and the complementarity of their respective policies on cooperation with neighbouring countries. To ensure that the Union's cooperation and that of the Member States complement and reinforce each other, it is appropriate to provide for joint programming which should be implemented whenever possible and relevant.

(15) The Union and its Member States should improve the coherence and the complementarity of their respective policies on cooperation with neighbouring countries, ***taking also into account the priorities laid down in the Europe 2020 Strategy***. To ensure that the Union's cooperation and that of the Member States complement and reinforce each other, it is appropriate to provide for joint programming which should be implemented whenever possible and relevant.

Amendment 9

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) Union support under this Regulation should ***in principle*** be aligned to corresponding national, regional or local strategies and measures of partner countries.

Amendment

(16) Union support under this Regulation should be aligned to corresponding national, regional or local strategies and measures of partner countries.

Amendment 10

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) In Neighbourhood countries where alignment to Union rules and standards is one of the key policy objectives, the Union ***is best placed to deliver this support***. Certain specific support can only be provided at Union level.

Amendment

(17) In Neighbourhood countries where alignment to Union rules and standards is one of the key policy objectives, the Union ***should commit to delivering timely and cost-effective assistance***. Certain specific support can only be provided at Union level.

Amendment 11

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Security of energy supply is the key element of European energy policy, wherein cooperation with neighbouring countries, based on market regulatory integration, diversification of resources and transit routes, are of the utmost importance. In accordance with Article 194 of the Treaty on the Functioning of the European Union, the Energy

Community Treaty, the Energy Charter Treaty and its Transit Protocol, the rules of the Third Package for Electricity and Gas Markets and the Commission Communication on security of energy supply and international cooperation, this Regulation should support the achievement of those goals which, in the long term, will ensure transparency and cost-effectiveness for the functioning of the gas and electricity markets.

Amendment 12

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Support provided under the European Neighbourhood Instrument to developing neighbouring countries should be separated from the aid provided to those countries under the financing instrument for development cooperation (DCI). There should be separated scheduling of the various financial instruments provided for under the new Multiannual Financial Framework (MFF) 2014-2020.

Amendment 13

Proposal for a regulation Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) Union action beyond its borders is needed to secure a stable framework of energy and resource cooperation with neighbouring countries, consistent with the Union's internal market rules, contributes to enhancing the Union's energy and resource security.

Amendment 14

Proposal for a regulation Recital 19 c (new)

Text proposed by the Commission

Amendment

(19c) Taking into account the fact that the European Council set 2014 as the deadline for completion of the internal market for electricity and gas, the external dimensions of these policies need to be fully and consistently developed, and partnership agreements with neighbouring countries are the most appropriate instruments for achieving this.

Amendment 15

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

Fighting climate change *is one* of the *great* challenges which *the Union faces and urgent* international action is needed. *In accordance with the intent stated in the Commission June 2011 MFF Communication of increasing the climate related proportion of the Union budget to at least 20%, this* Regulation should contribute to that goal.

Fighting climate change *and securing safe energy supplies are two* of the challenges *in respect of* which *genuine* international action is needed. *This* Regulation should contribute to that goal *as part of a broader policy aimed at crossborder promotion of all kinds of energy solutions which have the potential to reduce greenhouse gas emissions, e.g. by promoting renewable energies. Initiatives such as the Mediterranean Solar Plan should strengthen this aim.*

Amendment 16

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The Union's relationship with its neighbouring countries should take into account existing economic structures and their industrial fabric, in order to facilitate policies that promote SMEs and job creation.

Amendment 17

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

1. Support under this Regulation shall promote enhanced political cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, and jointly agreed action plans.

Amendment

1. Support under this Regulation shall promote enhanced political cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, and jointly agreed ***macro-regional strategies and*** action plans.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) achieving progressive integration into the Union internal market and enhanced sector and cross-sectoral co-operation including through legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments, notably in

Amendment

(b) achieving progressive integration into the Union internal market and enhanced sector and cross-sectoral co-operation including through legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments, notably in

interconnections;

infrastructure interconnections *aimed at strengthening the diversification of energy supply chains, reliability of transit routes and further liberalisation of energy markets;*

Amendment 19

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) enhancing the objectives of the Energy Community Treaty and the Energy Charter Treaty and its Transit Protocol by pursuing the accession of the Eastern partner countries to the former and the ratification by all partner countries and the Russian Federation of the latter;

Amendment 20

Proposal for a regulation

Article 2 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) implementing the EU's macro-regional strategies covering states neighbouring the EU, as well as the action plans relating to these;

Amendment 21

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

Amendment

d) sustainable and inclusive development *in all aspects*, poverty reduction, including

d) sustainable, *equitable* and inclusive development, *hunger and* poverty

through private-sector development;
promotion of internal economic, social and territorial cohesion, rural development, climate **action and** disaster resilience;

reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development, **energy cooperation, combating** climate **change**, disaster resilience **and promotion of R&D**;

Amendment 22

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) promoting confidence building **and other** measures contributing to security and the prevention and settlement of conflicts;

Amendment

(e) promoting confidence building **through concrete** measures contributing to security and the prevention and settlement of conflicts;

Amendment 23

Proposal for a regulation

Article 2 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) promoting the development of renewable forms of energy , and hence attaining the objectives of the Europe 2020 Strategy as regards the development of energy interconnections and networks, such as the practical implementation of the Mediterranean Solar Plan;

Amendment 24

Proposal for a regulation

Article 2 – paragraph 2 – point e b (new)

Text proposed by the Commission

Amendment

(eb) ensuring the economic competitiveness of the Union and its partner countries by incorporating projects and procedures that best respond

to the needs of SMEs, thereby making it easier for SMEs to participate on the internal market of the Union;

Amendment 25

Proposal for a regulation

Article 2 – paragraph 2 – point e c (new)

Text proposed by the Commission

Amendment

(ec) coordinating European support for SMEs and encouraging the creation of joint enterprises between SMEs in the partner countries and those in the Union; promoting the development of SME projects and investments in the partner countries, and hence mobilising the resources needed to promote transnational cooperation;

Amendment 26

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) enhancing sub-regional, regional and Neighbourhood wide collaboration as well as Cross-Border Cooperation.

(f) enhancing sub-regional, regional and Neighbourhood wide collaboration, as well as Cross-Border *and Territorial* Cooperation, *by fostering regional synergies and networks in fields such as the environment, climate change, energy, research, ICT, culture and mobility;*

Amendment 27

Proposal for a regulation

Article 2 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) using the Union's research and development policies, such as the Seventh

Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) and Horizon 2020, as a key means of cooperation and incorporating the partner countries into the European Research Area; approaching these framework programmes as constituting a vital contribution to economic growth, job creation and innovation.

Amendment 28

Proposal for a regulation Article 2 – paragraph 3

Text proposed by the Commission

3. The achievement of these objectives shall be measured using notably the relevant EU periodic reports on the implementation of the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the EU regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, level of corruption, trade flows, indicators enabling measuring internal economic disparities, *including* employment levels.

Amendment

3. The achievement of these objectives shall be measured using notably the relevant EU periodic reports on the implementation of the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (*ba*), (c) and (d) the uptake of the EU regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, level of corruption, *state of play of implementation of relevant Union legislation and international treaties*, trade flows, indicators enabling measuring internal economic disparities, *such as differences in income and* employment levels, *access to electricity and other forms of energy, to water and to sanitation*.

Amendment 29

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, Council conclusions and European Parliament Resolutions as well as relevant conclusions of ministerial meetings with the partner countries shall constitute the overall policy framework for programming and implementing Union support under this Regulation.

Amendment

1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, ***with particular emphasis on the Energy Community Treaty and the Energy Charter Treaty and its Transit Protocol***, corresponding Communications, Council conclusions and European Parliament Resolutions as well as relevant conclusions of ministerial meetings with the partner countries shall constitute the overall policy framework for programming and implementing Union support under this Regulation.

Amendment 30

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

2. The Commission, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States and the *European Investment Bank*.

Amendment

2. The Commission, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support ***and financial instruments, such as the financing instrument for development cooperation (DCI)***, provided by the Union, the Member States and the *EIB*.

Amendment 31

Proposal for a regulation Article 6 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) programmes concerning the macro-regional strategies of the Union and the action plans relating to these;

Amendment 32

Proposal for a regulation

Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) cross-border regional programmes aimed at fostering joint regional synergies and networks with neighbouring countries in fields such as the environment, climate change, energy, research, ICT, culture, transport and mobility between neighbouring countries, by means of cooperation between one or more regions of the Member States with one or more regions of the partner countries.

Amendment 33

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. For multi-country programmes, a comprehensive programming document including a Strategy and a Multi-annual indicative programme shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. It shall define the priorities for Union support towards the region or the sub-region and the indicative level of funding broken down by priority. It shall have an appropriate multi-annual duration.

3. For multi-country ***macro-regional*** programmes ***and strategies***, a comprehensive programming document including a Strategy and a Multi-annual indicative programme shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. It shall define the priorities for Union support towards the region or the sub-region and the indicative level of funding broken down by priority. It shall have an appropriate multi-annual

duration.

Amendment 34

Proposal for a regulation Article 7 – paragraph 6

Text proposed by the Commission

6. When it is necessary to implement more effectively measures for the common benefit of the Union and partner countries, in areas such as transnational co-operation and inter-connections, funding under this Regulation can be pooled together with funding covered by other relevant Union Regulations establishing financial instruments. In this case, the Commission shall decide which single set of rules should apply to implementation.

Amendment

6. When it is necessary to implement more effectively measures for the common benefit of the Union and partner countries, in areas such as transnational co-operation and inter-connections, funding under this Regulation can be pooled together with funding covered by other relevant Union Regulations establishing financial instruments, ***such as the Connecting Europe Facility***. In this case, the Commission shall decide which single set of rules should apply to implementation.

Amendment 35

Proposal for a regulation Article 7 – paragraph 9

Text proposed by the Commission

9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. Such emergency review shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their

Amendment

9. In the event of ***economic, political or energy*** crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. Such emergency review shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for

adoption.

information within one month of their adoption.

Amendment 36

Proposal for a regulation

Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) around a river basin, covering the territorial units corresponding to NUTS level 2 or equivalent facing a river basin common to Member States and partner countries and/or the Russian Federation;

Amendment 37

Proposal for a regulation

Article 8 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) macro-regions already covered by Union strategies or synergies;

Amendment 38

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. The indicative allocations of funds to the joint operational programmes shall be based primarily on the population of the eligible areas. When determining the indicative allocations, adjustments may be made to reflect the need for a balance between the contributions from the European Regional Development Fund and the contributions provided under the budget of this Instrument as well as other factors affecting the intensity of cooperation, such as the specific

4. When determining the indicative allocations ***of funds***, adjustments may be made to reflect the need for a balance between the contributions from the European Regional Development Fund and the contributions provided under the budget of this Instrument as well as other factors affecting the intensity of cooperation, such as the specific characteristics of border areas and their capacity to manage and absorb Union

characteristics of border areas and their capacity to manage and absorb Union support.

support.

Amendment 39

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. The financial envelope available for implementing this Regulation over the period 2014 to 2020 shall be EUR 18 182 300 000 (current prices). Up to **5%** of the financial envelope shall be allocated to the Cross-Border Cooperation programmes referred to in Article 6(1) (c).

Amendment

1. The financial envelope available for implementing this Regulation over the period 2014 to 2020 shall be EUR 18 182 300 000 (current prices). Up to **15%** of the financial envelope shall be allocated to the Cross-Border Cooperation programmes referred to in Article 6(1) **(aa), (c) and (ca)**.

PROCEDURE

Title	Establishing a European Neighbourhood Instrument						
References	COM(2011)0839 – C7-0492/2011 – 2011/0405(COD)						
Committee responsible Date announced in plenary	AFET 17.1.2012						
Opinion by Date announced in plenary	ITRE 17.1.2012						
Rapporteur Date appointed	Konrad Szymański 7.3.2012						
Discussed in committee	24.4.2012						
Date adopted	31.5.2012						
Result of final vote	<table> <tr> <td>+: </td><td>41</td></tr> <tr> <td>–: </td><td>1</td></tr> <tr> <td>0: </td><td>6</td></tr> </table>	+:	41	–:	1	0:	6
+:	41						
–:	1						
0:	6						
Members present for the final vote	Amelia Andersdotter, Josefa Andrés Barea, Jean-Pierre Audy, Zigmantas Balčytis, Ivo Belet, Reinhard Bütikofer, Giles Chichester, Jürgen Creutzmann, Pilar del Castillo Vera, Dimitrios Droutsas, Ioan Enciu, Gaston Franco, Adam Gierek, Norbert Glante, András Gyürk, Fiona Hall, Kent Johansson, Romana Jordan, Krišjānis Kariņš, Lena Kolarska-Bobińska, Marisa Matias, Angelika Niebler, Jaroslav Paška, Vittorio Prodi, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Jens Rohde, Paul Rübig, Salvador Sedó i Alabart, Patrizia Toia, Marita Ulvskog, Vladimir Urutchev, Adina-Ioana Vălean, Kathleen Van Brempt, Alejo Vidal-Quadras, Henri Weber						
Substitute(s) present for the final vote	Francesco De Angelis, Vicente Miguel Garcés Ramón, Françoise Grossetête, Satu Hassi, Roger Helmer, Jolanta Emilia Hibner, Ivailo Kalfin, Seán Kelly, Holger Krahmer, Zofija Mazej Kukovič, Vladimír Remek						

5.6.2012

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 establishing a European Neighbourhood Instrument
(COM(2011)0839 – C7-0492/2011 – 2011/0405(COD))

Rapporteur: Joachim Zeller

SHORT JUSTIFICATION

The European Neighbourhood Policy (ENP) was developed in 2004 and covers 16 partners to the East and South of the EU's borders, namely Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, the Republic of Moldova, Morocco, the occupied Palestinian territory, Syria, Tunisia and Ukraine. Under the ENP the EU offers its neighbours a privileged relationship, building upon a mutual commitment to values and principles such as democracy and human rights, the rule of law, good governance, market economy principles and sustainable development, including climate action. The policy also provides for political association and deeper economic integration, increased mobility and enhanced people-to-people contacts. In the forthcoming Multiannual Financial Framework 2014-2020 the ENP is to be funded by a dedicated instrument, the European Neighbourhood Instrument (ENI), which covers the 16 above-mentioned partner countries and Russia. The Commission proposal acknowledges many of the changes that have proven to be necessary in the hitherto implementation of the European Neighbourhood Policy. Your draftsman is sharing this approach in principle.

Nevertheless, it may be observed, that certain specific adjustments need to be made in the regulation, especially as far as the point of view of the regional development policy is concerned. This pertains in the first place to the Cross-Border Co-operation (CBC) programmes foreseen, and especially to the scope of funding proposed in this respect, to the point that it might even be prudent to ponder an idea of a separate regulation on the CBC. Your draftsman is therefore proposing an alignment (to the level of 7%) in the proportion of the ENI funding of these programmes, based on the approach consistently taken by the European Parliament across the entire territorial co-operation objective. In the same vein, a specific reference to the European Grouping of Territorial Cooperation is put forward, reflecting the role this instrument is supposed to play following its reform now under consideration with a view to the future cohesion policy implementation both inside and outside the EU borders.

The European Neighbourhood Policy, just like the cohesion policy, has to be firmly based on the principles of partnership and multilevel governance, so as to involve as many partners as possible, which in particular refer to the local and regional authorities in the neighbourhood countries. Similarly, the non-governmental organisations (civil society organisations) need to be included. All thus defined partners have to be involved in the planning, implementation and monitoring of the ENI joint operational programmes. For this purpose, these programmes ought also to be equipped with a mandatory review in mid-term of the Union's Multiannual Financial Framework application period, as practised in other European Union policies. Your draftsman has therefore proposed a comprehensive solution to this issue.

More generally speaking, the above-mentioned efforts are a part of the strife for democracy and human rights, into which the European Union policies ought to be engaged. An additional recital is therefore proposed in order to point to the new solutions in this respect. As European Neighbourhood Policy aims at supporting the build-up of democratic and civil society institutions in the area surrounding the European Union, ENI funding ought to be allocated on the varied and balanced basis, reflecting the diversity of the states and regions encompassed by the policy in question. Furthermore, bearing in mind that such criteria can only to an extent be defined *ex ante*, your draftsman submits that at least some of the issues related to them can be defined in the delegated act implementing the regulation in question, provided this is unambiguously demanded in the regulation itself. However, should it turn out to be possible to define them, with enough precision, in the regulation, such a development would be welcome.

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 4 a (new)

Text proposed by the Commission

Amendment

(4a) The EU should also foster the territorial cooperation between outermost regions and neighbouring states, as without outermost regions the EU would lack these vantage points with other continents and thus the EU policies would be much more restrained;

Amendment 2

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) Support under this Instrument and the European Regional Development Fund should be provided for the Cross-Border Cooperation programmes along the external borders of the European Union between partner countries and Member States to promote integrated and sustainable regional development between neighbouring border regions and harmonious territorial integration across the Union and with neighbouring countries.

Amendment

(8) In order to guarantee a clear, flexible and efficient application of the Cross-Border Cooperation along external borders a separate inclusive legal package on this issue should be adopted.

Amendment 3

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The importance of strengthening democracy and human rights should be emphasised, and initiatives should be undertaken to create sound new mechanisms in this respect, such as the European Endowment for Democracy.

Amendment 4

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The starting point should be shared management and harmonisation with the European Territorial Cooperation practices, and genuine cooperation. The

regulatory basis should create room for different management modes to be agreed by the participating countries.

Justification

ENPI CBC Programmes along the external border operate in very different environments: some are more cooperation-minded with substantial participation of partner country; some are closer to technical assistance programmes.

Amendment 5

Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) Striving to achieve economic, social and territorial cohesion is an important feature of the Union and should also be projected, to the extent possible, into its neighbourhood, as part of a mutually beneficial process of multi-level governance, involving, in particular, regional and local authorities. Whilst including transnational and transregional strands, the territorial dimension of this cooperation is most pronounced in the Union neighbourhood in the form of cross-border cooperation.

Amendment 6

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The European Union has committed itself to the Northern Dimension and therefore has a duty to develop means of participation in this sphere of cooperation. To enable continued funding for the Northern Dimension to be set out in detail for the next programming period, the relevant provisions should be grouped

together in this Regulation.

Justification

The Northern Dimension has a strongly regional character, and the participating countries, moreover, are involved in cooperation under ENI CBC programmes.

Amendment 7

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The Union and its Member States should improve the coherence ***and the*** complementarity of their respective policies on cooperation with neighbouring countries. To ensure that the Union's cooperation and that of the Member States complement and reinforce each other, it is appropriate to provide for joint programming which should be implemented whenever possible and relevant.

Amendment

(15) The Union and its Member States should improve the coherence, ***effectiveness and*** complementarity of their respective policies on cooperation with neighbouring countries. To ensure that the Union's cooperation and that of the Member States complement and reinforce each other, ***particularly in fields such as energy, transport, education and research,*** it is appropriate to provide for joint programming ***and financing,*** which should be implemented whenever possible and relevant.

Amendment 8

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) While Regulation (EU) No .../... of the European Parliament and of the Council of (hereinafter "the Common Implementing Regulation") establishes common rules and procedures for the implementation of the Union's instruments for external action, delegated powers to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union should be conferred to the Commission for adopting the specific

Amendment

(26) While Regulation (EU) No .../... of the European Parliament and of the Council of(hereinafter "the Common Implementing Regulation") establishes common rules and procedures for the implementation of the Union's instruments for external action, delegated powers to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union should be conferred to the Commission for adopting ***the modalities of***

implementing measures required for the Cross-Border Cooperation mechanisms established in Title III of this Regulation. It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should further ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

revision of the joint operational programmes and the specific implementing measures required for the Cross-Border Cooperation mechanisms established in Title III of this Regulation, ***for updating of the list of beneficiary countries in the Annex as well as for deciding to extend the eligibility of actions to countries not listed in the Annex.*** It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should further ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment 9

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

2. Union support under this Regulation shall be used for the benefit of partner countries and ***can*** also be used for the common benefit of EU and partner countries.

Amendment

2. Union support under this Regulation shall be used for the benefit of partner countries and ***shall*** also be used for the common benefit of EU and partner countries.

Amendment 10

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

1. Support under this Regulation shall promote enhanced political cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association

Amendment

1. Support under this Regulation shall promote enhanced political cooperation and progressive economic ***and social*** integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association

agreements or other existing and future agreements, and jointly agreed action plans.

agreements or other existing and future agreements, and jointly agreed action plans.

Amendment 11

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, promoting good governance and developing a thriving civil society including social partners;

Amendment

(a) promoting human rights, ***minority rights*** and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, promoting good governance and developing a thriving civil society including social partners;

Amendment 12

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) creating conditions for well managed mobility of people and promotion of people-to-people contacts;

Amendment

(c) creating conditions for well managed mobility of people and promotion of people-to-people contacts, ***including, in particular, through cultural and sporting activities***;

Amendment 13

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) sustainable and inclusive development in all aspects, poverty reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development,

Amendment

(d) sustainable and inclusive development in all aspects, poverty reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, ***refinement of cooperation between Member States and***

climate action and disaster resilience;

partner countries and between partner countries strengthening the pursuit for the common benefit of the participating countries, rural development, climate action and disaster resilience;

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 14

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

(f) enhancing sub-regional, regional and Neighbourhood wide collaboration as well as Cross-Border-Cooperation.

Amendment

(f) enhancing sub-regional, regional and Neighbourhood-wide collaboration as well as Cross-Border Cooperation; *it is especially important to develop the Trans-European Networks, transport infrastructure and, in particular, the ‘Motorways of the Sea’, with a view to increasing trade and facilitating mobility and exchanges between European and neighbouring regions;*

Amendment 15

Proposal for a regulation

Article 2 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the development of civil society organisations and non-governmental organisations and support for their democratic society-building activities.

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 16

Proposal for a regulation

Article 2 – paragraph 2 – point f b (new)

Text proposed by the Commission

Amendment

(fb) encouraging the establishment of synergies and strengthening coordination among the various Pre-Accession Facility and Neighbourhood Policy funds and programmes.

Amendment 17

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to ***development and*** reforms and its progress in implementing these reforms. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.

Amendment 18

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. The partnership shall involve ***as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners and other non-state actors in preparing, implementing and monitoring Union support.***

Amendment

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. 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, nongovernmental 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.

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 19

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The smooth implementation of the partnership principle referred to in paragraph 2 requires support for capacity building and improvement of the situation of the relevant partners, which may be provided through institutional capacity-building measures, supported by this Instrument.

Amendment 20

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

2. The Commission, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States and the European Investment Bank.

Amendment

2. The Commission, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States and the European Investment Bank. ***Synergy between these programmes is essential in order to mutually reinforce and achieve regional and cross-border objectives.***

Amendment 21

Proposal for a regulation Article 9 – paragraph 1 – subparagraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) contributions to present and future macro-regional strategies oriented towards Union neighbouring countries and/or the Russian Federation.

Amendment 22

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. ***The indicative allocations of funds to the joint operational programmes shall be based primarily on the population of the eligible areas.*** When determining the indicative allocations, adjustments may be made to reflect the need for a balance between the contributions from the European Regional Development Fund and the contributions provided under the budget of this Instrument as well as other factors affecting the intensity of cooperation, such as the specific characteristics of border areas and their capacity to manage and absorb Union support.

Amendment

4. When determining the indicative allocations ***of funds to the joint operational programmes based on relevant criteria for the eligible areas,*** adjustments may be made to reflect the need for a balance between the contributions from the European Regional Development Fund and the contributions provided under the budget of this Instrument as well as other factors affecting the intensity of cooperation, such as the specific characteristics of border areas and their capacity to manage and absorb Union support. ***The criteria shall be adopted through a delegated act.***

Justification

The natural wide variety of countries and regions in the neighbourhood of the European Union necessitates an approach that in a balanced manner takes generally into account the differences occurring among them.

Amendment 23

Proposal for a regulation Article 10 – paragraph 4

Text proposed by the Commission

4. Within one year of approval of the programming document referred to in Article 9, the participating countries shall jointly submit proposals for joint operational programmes to the Commission. The Commission shall adopt each joint operational programme after assessing its consistency with this regulation, the programming document and the implementing rules.

Amendment

4. Within one year of approval of the programming document referred to in Article 9, the participating countries shall jointly submit proposals for joint operational programmes to the Commission. The Commission shall adopt each joint operational programme after assessing its consistency with this regulation, the programming document and the implementing rules ***within three months after its submission by the***

participating countries.

Amendment 24

Proposal for a regulation

Article 10 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Joint operational programmes shall be revised mid-term through the Multiannual Financial Framework in order to take into account factors occurring in the implementation process, such as:

– changes in cooperation priorities, and socio-economic developments,

– the results of implementing the measures concerned and matters arising from the monitoring and implementation process,

– the need to adjust the amounts of available funds and to reallocate the resources.

Justification

The possibilities for revision of joint operational programmes provided for in the Commission proposal seem insufficient, as they are to a great extent dependent on the will of the high level participating actors, while neglecting the fact, that local and regional authorities and other non-state actors might be better positioned to know the challenges arising during implementation. There should therefore an opportunity be created for a thorough analysis of the programmes running, as it is already practised in other EU policy areas.

Amendment 25

Proposal for a regulation

Article 10 – paragraph 10

Text proposed by the Commission

Amendment

10. If a participating country undertakes to jointly co-finance a programme, the joint operational programme shall clarify the arrangements for providing, using and

10. If a participating country undertakes to jointly co-finance a programme, the joint operational programme shall clarify the arrangements for providing, using and

monitoring the co-financing. *The related financing agreement shall be signed by all participating countries.*

monitoring the co-financing.

Amendment 26

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. In order to allow the joint operational programmes to prepare adequately for implementation, expenditure incurred *after the submission of the joint operational programmes to the Commission shall be eligible at the earliest* from 1 January 2014.

Amendment

3. In order to allow the joint operational programmes to prepare adequately for implementation, expenditure incurred *shall be eligible from the date of submission of the operational programme to the Commission or* from 1 January 2014, *whichever is earlier.*

Amendment 27

Proposal for a regulation Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

2. Matters covered by the Implementing Rules shall include provisions on:

Amendment

2. Matters covered by the Implementing Rules shall include provisions on, *inter alia*:

Amendment 28

Proposal for a regulation Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) the preparation, modification and closure of joint operational programmes;

Amendment

(b) the *content*, preparation, modification and closure of joint operational programmes;

Amendment 29

Proposal for a regulation

Article 12 – paragraph 2 – point c

Text proposed by the Commission

(c) the role and function of the programme structures: Joint Monitoring Committee, Managing Authority and its Joint Technical Secretariat, ***Joint Selection committees***, including ***their*** standing, effective identification, accountability and responsibility, description of Management and Control Systems, and conditions on the technical and financial management of Union support, including eligibility of expenditure;

Amendment

(c) the role and function of the programme structures: Joint Monitoring Committee, Managing Authority and its Joint Technical Secretariat, ***project selection committee***, including ***its*** standing, effective identification, accountability and responsibility, description of Management and Control Systems, and conditions on the technical and financial management of Union support, including eligibility of expenditure;

Amendment 30

Proposal for a regulation

Article 12 – paragraph 2a (new)

Text proposed by the Commission

Amendment

2a. Cross-border cooperation shall be implemented in accordance with paragraphs 1 and 2, 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.

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 Neighbourhood Policy in its "external cohesion" aspect.

Amendment 31

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. The delegation of powers referred to in **Article 12 and 13** shall be conferred for the period of validity of this Regulation.

Amendment

1. The delegation of powers referred to in **Articles 12, 13 and 16** shall be conferred for the period of validity of this Regulation.

Justification

The amendment in question recognises new references proposed to the delegated act.

Amendment 32

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. In duly justified circumstances and to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation, the Commission may decide to extend the eligibility of actions to countries, territories and regions which otherwise would not be eligible for financing. Notwithstanding the provisions of Article 8(1) of the Common Implementing Regulation, natural and legal persons from countries, territories and regions concerned may participate in the procedures implementing such actions.

Amendment

1. In duly justified circumstances, **as defined in a delegated act adopted in accordance with Article 14**, and to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation, the Commission may decide to extend the eligibility of actions to countries, territories and regions which otherwise would not be eligible for financing. Notwithstanding the provisions of Article 8(1) of the Common Implementing Regulation, natural and legal persons from countries, territories and regions concerned may participate in the procedures implementing such actions.

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 33

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. The financial envelope available for implementing this Regulation over the period 2014 to 2020 shall be EUR 18 182 300 000 (current prices). Up to **5%** of the financial envelope shall be allocated to the Cross-Border Cooperation programmes referred to in **Article 6(1) (c)**.

Amendment

1. The financial envelope available for implementing this Regulation over the period 2014 to 2020 shall be EUR 18 182 300 000 (current prices). Up to **7 %** of the financial envelope shall be allocated to the Cross-Border Cooperation programmes referred to in ***point (c) of Article 6(1)***.

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 more substantive appropriations should be allocated to this instrument.

PROCEDURE

Title	Establishing a European Neighbourhood Instrument						
References	COM(2011)0839 – C7-0492/2011 – 2011/0405(COD)						
Committee responsible Date announced in plenary	AFET 17.1.2012						
Opinion by Date announced in plenary	REGI 17.1.2012						
Rapporteur Date appointed	Joachim Zeller 26.1.2012						
Discussed in committee	26.4.2012						
Date adopted	29.5.2012						
Result of final vote	<table> <tr> <td>+: </td><td>39</td></tr> <tr> <td>–: </td><td>1</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	39	–:	1	0:	0
+:	39						
–:	1						
0:	0						
Members present for the final vote	François Alfonsi, Luís Paulo Alves, Jean-Paul Basset, Victor Boştinaru, Alain Cadec, Nikos Chrysogelos, Tamás Deutsch, Rosa Estaràs Ferragut, Danuta Maria Hübner, Vincenzo Iovine, María Irigoyen Pérez, Seán Kelly, Mojca Kleva, Constanze Angela Krehl, Petru Constantin Luhan, Elżbieta Katarzyna Łukacijewska, Ramona Nicole Mănescu, Vladimír Maňka, Riikka Manner, Iosif Matula, Erminia Mazzoni, Ana Miranda, Jens Nilsson, Lambert van Nistelrooij, Jan Olbrycht, Wojciech Michał Olejniczak, Markus Pieper, Monika Smolková, Ewald Stadler, Georgios Stavrakakis, Nuno Teixeira, Oldřich Vlasák, Kerstin Westphal, Hermann Winkler, Joachim Zeller						
Substitute(s) present for the final vote	Ivars Godmanis, Lena Kolarska-Bobińska, Ivari Padar, László Surján, Giommara Uggias						

20.6.2012

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Foreign Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument
(COM(2011)0839 – C7-0492/2011 – 2011/0405(COD))

Rapporteur: Iosif Matula

SHORT JUSTIFICATION

The European Neighbourhood and Partnership Instrument (ENPI) is the financial instrument of the European Neighbourhood Policy (ENP), which aims to establish an area of prosperity and neighbourliness between the EU and its partners.

EU financial support provides substantial added value in the main policy areas funded by the instruments for external action.

Higher education, culture, research and innovation are areas where there is scope for strengthening the links between internal policies and the European Neighbourhood Instrument.

Taking into account the importance and the specificity of cultural and educational exchanges as diplomatic instruments, the ENPI should aim at promoting mobility and people-to-people contacts, especially in these areas. It should furthermore support wide-ranging development in all aspects, including through sound education and training programs in the partner countries.

Moreover, in order to preserve the links with the civil society in the ENP countries, allocations through "Erasmus for all" should be maintained even in cases where EU external priorities change due to unforeseen events or political changes in the partner countries.

AMENDMENTS

The Committee on Culture and Education 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 3 a (new)

Text proposed by the Commission

Amendment

(3a) In keeping with the UNESCO Convention of 20 October 2005 on the Protection and Promotion of the Diversity of Cultural Expressions and in particular Article 12 thereof, the Union and its Member States undertake to strengthen bilateral, regional and international cooperation and solidarity in order to protect and show regard for the diversity of cultural expressions and thereby promote dialogue and mutual understanding among cultures.

Amendment 2

Proposal for a regulation Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) In accordance with the Conclusions of the Council and of the Representatives of the Governments of the Member States of 20 November 2008 on the promotion of cultural diversity and intercultural dialogue in the external relations of the Union and its Member States¹, the Member States and the Commission are asked to strengthen the place and role of culture in external relations policies and programmes and to strive for cooperation with third countries and the international organisations competent in the field of culture, notably UNESCO and the Council of Europe. Development agencies and cultural institutions in the Member States can play an important role here.

¹ OJ C 320, 16.12.2008, p. 10.

Amendment 3

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) As cross-border cooperation is a key priority of Union policy, and since it is intended to help promote economic and social development in regions on both sides of common borders, to address challenges in areas such as the environment, culture, public health and the prevention of and fight against organised crime, to ensure efficient and secure borders and to promote local cross-border people-to-people actions and mutual understanding, more substantial appropriations should be allocated to the instrument established by this Regulation.

Amendment 4

Proposal for a regulation Recital 9

Text proposed by the Commission

Amendment

(9) Furthermore, it is important to foster and facilitate cooperation for the common benefit of Union and its partners, notably through pooling of contributions from internal and external instruments of the Union budget, in particular for Cross-Border Cooperation, infrastructure projects of Union interest that will pass through Neighbourhood countries and other areas of cooperation.

(9) Furthermore, it is important to foster and facilitate cooperation for the common benefit of Union and its partners, notably through pooling of contributions from internal and external instruments of the Union budget, in particular for Cross-Border Cooperation, infrastructure projects of Union interest that will pass through Neighbourhood countries and other areas of cooperation, ***such as education and cultural exchanges.***

Amendment 5

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Support to be provided to neighbouring developing countries within the framework established by the European Neighbourhood Policy should be coherent with the objectives and principles of the Union's external policies and in particular its development policy, including the 'Joint Statement on a European Development Policy: the European Consensus', adopted by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission, on 22 December 2005.

Amendment

(13) Support to be provided to neighbouring developing countries within the framework established by the European Neighbourhood Policy should be coherent with the objectives and principles of the Union's external policies and in particular its development policy, including the 'Joint Statement on a European Development Policy: the European Consensus', adopted by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission, on 22 December 2005, ***as well as with the Conclusions of the Council and of the Representatives of the Governments of the Member States of 20 November 2008 on the promotion of cultural diversity and intercultural dialogue in the external relations of the Union and its Member States.***

Amendment 6

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) As a signatory to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the Union should seek to ensure that respect for the Convention by partner countries informs all decisions taken by the Union under this Regulation.

Amendment 7

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The Joint EU – Africa Strategy is of relevance for relations with the Mediterranean neighbours from North Africa.

Amendment

(14) The Joint EU – Africa Strategy is of relevance for relations with the Mediterranean neighbours from North Africa, *especially in the current state of the post-Arab Spring development.*

Amendment 8

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support. The Commission must therefore seek the most efficient use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments.

Amendment

(19) European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support. The Commission must therefore seek the most efficient use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments. *It should be borne in mind in this regard that the Union has at its disposal a limited number of "soft power" instruments with leverage effect and that financial instruments are one of them.*

Amendment 9

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) In cases of major unforeseen circumstances, or important political changes, in partner countries which bring about changes in the Union's external priorities, the financial allocations in the framework of education, namely the "Erasmus for All" programme, should be

maintained or increased so that the link with those countries is preserved at the educational level.

Amendment 10

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) The Union recognises the importance of cooperation in the fields of culture and education and its vital role in strengthening civil society, promoting democratisation and encouraging both mutual understanding amongst people and social cohesion.

Amendment 11

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) The Union, in its relations with third countries, promotes the values set out in the UNESCO Universal Declaration on Cultural Diversity of 2 November 2001, the latter being regarded as a common heritage and a source of innovation and creativity, in addition to being a powerful driver of the economic, civil and moral development of society.

Amendment 12

Proposal for a regulation Recital 21 b (new)

Text proposed by the Commission

Amendment

(21b) Education, culture, cultural diversity and its promotion should be fully

integrated into the objectives of this Regulation, as cultural cooperation plays a fundamental role in partner countries taking ownership of democratic processes and adhering to their own priorities.

Amendment 13

Proposal for a regulation Recital 21 c (new)

Text proposed by the Commission

Amendment

(21c) In its relations with its partners the Union commits itself to furthering the protection and promotion of cultural diversity, and encouraging ratification of the UNESCO Convention of 20 October 2005 on the Protection and Promotion of the Diversity of Cultural Expressions.

Amendment 14

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The Union recognises the importance and the specificity of cultural and educational exchanges as diplomatic instruments and as a tool for promoting mobility and people-to-people contacts.

Amendment 15

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) A balance needs to be maintained between the southern and eastern dimensions of the European Neighbourhood Policy.

Amendment 16

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) While Regulation (EU) No .../... of the European Parliament and of the Council of (hereinafter "the Common Implementing Regulation") establishes common rules and procedures for the implementation of the Union's instruments for external action, delegated powers to adopt acts in accordance with Article 290 of the Treaty *of* the Functioning of the European Union should be conferred to the Commission for adopting the specific implementing measures required for the Cross-Border Cooperation mechanisms established in Title III of this Regulation. It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should further ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

(26) While Regulation (EU) No .../... of the European Parliament and of the Council of (hereinafter "the Common Implementing Regulation") establishes common rules and procedures for the implementation of the Union's instruments for external action, delegated powers to adopt acts in accordance with Article 290 of the Treaty *on* the Functioning of the European Union should be conferred to the Commission for adopting the specific implementing measures required for the Cross-Border Cooperation mechanisms established in Title III of this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert *and civil society* level. The Commission, when preparing and drawing-up delegated acts, should further ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment 17

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Union financial instruments for external action should support the conditionality based on respect for human rights and the rights of minorities, good governance and diversity of cultural expressions, or alternatively on the quality

of beneficiaries' policies and the ability and willingness of the beneficiaries concerned to implement them.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, promoting good governance and developing a thriving civil society including social partners;

Amendment

(a) promoting human rights and fundamental freedoms, ***cultural diversity***, the rule of law, principles of equality, establishing deep and sustainable democracy, promoting good governance and developing a thriving civil society including social partners;

Amendment 19

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) creating conditions for ***well managed*** mobility of people and promotion of people-to-people contacts;

Amendment

(c) creating conditions for ***inclusive*** mobility of people and promotion of people-to-people contacts ***furthering mutual understanding, notably in the fields of culture, education, sport and youth, in addition to exchanging cultural values with a view to ensuring cultural diversity***;

Amendment 20

Proposal for a regulation

Article 2 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) promoting the protection of shared tangible and intangible cultural heritage, also by guaranteeing adequate funding

and resources for projects such as Euromed Heritage; encouraging the development of joint education and training programmes with partner countries, which should take into greater account the right to equitable access to education for all and aim to combat the serious problem of the high drop-out rate among young people;

Amendment 21

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) sustainable and inclusive development in all aspects, poverty reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development, climate action and disaster resilience;

Amendment

(d) sustainable and inclusive development in all aspects, poverty reduction, including through private-sector development ***and sound education and training programmes***, promotion of internal economic, social and territorial cohesion, rural development, climate action, ***development of cultural heritage*** and disaster resilience ***and various aspects of civil security, in addition to protection of the historical, artistic, archaeological, cultural and environmental heritage***;

Amendment 22

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) promoting confidence building and other measures contributing to security and the prevention and settlement of conflicts;

Amendment

(e) promoting confidence building and other measures contributing to security and the prevention and settlement of conflicts, ***in particular by contributing to respect for freedom of association***;

Amendment 23

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

4. Union support may also be used in other areas when this is consistent with the overall objectives of the European Neighbourhood Policy.

Amendment

4. Union support may also be used in other areas when this is consistent with the overall objectives of the European Neighbourhood Policy, ***and particularly in the fields of culture, the cultural and creative industries, tourism, education and training.***

Amendment 24

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Union support under this Regulation shall in principle be co-financed by the partner countries through public funds, contributions from the beneficiaries or other sources. The same principle shall be applicable to the cooperation with the Russian Federation, particularly with regard to programmes referred to in Article 6(1) (c). Co-financing requirements may be waived in duly justified cases and when this is necessary to support the development of civil society and non-state actors, without prejudice to compliance with the other conditions set out in the Financial Regulation.

Amendment

3. Union support under this Regulation shall in principle be co-financed by the partner countries, ***in accordance with the rules of good governance and transparently,*** through public funds, contributions from the beneficiaries or other sources. The same principle shall be applicable to the cooperation with the Russian Federation, particularly with regard to programmes referred to in Article 6(1) (c). Co-financing requirements may be waived in duly justified cases and when this is necessary to support the development of civil society and non-state actors, without prejudice to compliance with the other conditions set out in the Financial Regulation.

Amendment 25

Proposal for a regulation
Article 9 – paragraph 1 – point g

Text proposed by the Commission

(g) contributions to the transnational

Amendment

(g) contributions to ***current and future***

programmes established under Regulation (EU) No [...] of the European Parliament and the Council of [...] on specific provisions for the support from the European Regional Development Fund to the European Territorial Co-operation goal, to which partner countries and/or the Russian Federation participate.

macro-regional strategies and to the transnational programmes established under Regulation (EU) No [...] of the European Parliament and the Council of [...] on specific provisions for the support from the European Regional Development Fund to the European Territorial Co-operation goal, to which partner countries and/or the Russian Federation participate.

Amendment 26

Proposal for a regulation Article 17

Text proposed by the Commission

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union support.

Amendment

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union support. ***In all such cases, it is necessary to ensure that any suspension of support does not affect civil society organisations that operate in accordance with democratic principles and human rights standards.***

Amendment 27

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. The financial envelope available for implementing this Regulation over the period 2014 to 2020 shall be EUR 18 182 300 000 (current prices). Up to **5%** of the financial envelope shall be allocated to the Cross-Border Cooperation programmes referred to in Article 6(1) (c).

Amendment

1. The financial envelope available for implementing this Regulation over the period 2014 to 2020 shall be EUR 18 182 300 000 (current prices). Up to **7%** of the financial envelope shall be allocated to the Cross-Border Cooperation programmes referred to in Article 6(1) (c).

Justification

As cross-border cooperation is a key priority of Union policy and since it is intended to help promote economic and social development in regions on both sides of common borders, address challenges in areas such as the environment, culture, public health and the prevention of and fight against organised crime, ensure efficient and secure borders and promote local cross-border people-to-people actions and mutual understanding, more substantive appropriations should be allocated to the instrument established by this Regulation.

Amendment 28

Proposal for a regulation
Article 18 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. As referred to in Article 13, paragraph 2 of the ‘Erasmus for All’ Regulation, in order to promote the international dimension of higher education, an indicative amount of EUR 1 812 100 000 from the different external instruments (Development Cooperation Instrument, European Neighbourhood Instrument, Instrument for Pre-accession Assistance, Partnership Instrument and the European Development Fund), will be allocated to actions of learning mobility to or from non EU countries and to cooperation and policy dialogue with authorities/institutions/organisations from these countries. The provisions of the ‘Erasmus for All’ Regulation will apply to

Amendment

3. As referred to in Article 13, paragraph 2 of the ‘Erasmus for All’ Regulation, in order to promote the international dimension of higher education, an indicative amount of EUR 1 812 100 000 from the different external instruments (Development Cooperation Instrument, European Neighbourhood Instrument, Instrument for Pre-accession Assistance, Partnership Instrument and the European Development Fund), will be allocated to actions of learning mobility to or from non EU countries and to cooperation and policy dialogue with authorities/institutions/organisations from these countries. The provisions of the ‘Erasmus for All’ Regulation will apply to

the use of those funds.

the use of those funds, *especially if education as such can act as one of the most important catalysts in the democratic process.*

Amendment 29
Proposal for a regulation
Article 18 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The funding will be made available through 2 multiannual allocations only covering the first 4 years and the remaining 3 years respectively. This funding will be reflected in the multiannual indicative programming of these instruments, in line with the identified needs and priorities of the countries concerned. ***The allocations can be revised in case of major unforeseen circumstances or important political changes in line with the EU external priorities.***

Amendment

The funding will be made available through 2 multiannual allocations only covering the first 4 years and the remaining 3 years respectively. This funding will be reflected in the multiannual indicative programming of these instruments, in line with the identified needs and priorities of the countries concerned.

PROCEDURE

Title	Establishing a European Neighbourhood Instrument	
References	COM(2011)0839 – C7-0492/2011 – 2011/0405(COD)	
Committee responsible Date announced in plenary	AFET 17.1.2012	
Opinion by Date announced in plenary	CULT 17.1.2012	
Rapporteur Date appointed	Iosif Matula 2.2.2012	
Discussed in committee	27.3.2012	25.4.2012
Date adopted	19.6.2012	
Result of final vote	+: 25 -: 0 0: 1	
Members present for the final vote	Zoltán Bagó, Malika Benarab-Attou, Lothar Bisky, Piotr Borys, Santiago Fisas Aixela, Lorenzo Fontana, Petra Kammerevert, Morten Løkkegaard, Emma McClarkin, Emilio Menéndez del Valle, Marek Henryk Migalski, Katarína Neved'alová, Doris Pack, Chrysoula Paliadeli, Gianni Pittella, Marie-Thérèse Sanchez-Schmid, Marietje Schaake, Marco Scurria, Hannu Takkula, László Tőkés, Gianni Vattimo, Sabine Verheyen, Milan Zver	
Substitute(s) present for the final vote	François Alfonsi, Ivo Belet, Seán Kelly, Iosif Matula, Rui Tavares	
Substitute(s) under Rule 187(2) present for the final vote	Luigi Berlinguer, Mario Pirillo	

5.6.2012

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Foreign Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument
(COM(2011)0839 – C7-0492/2011 – 2011/0405(COD))

Rapporteur: Emine Bozkurt

AMENDMENTS

The Committee on Women's Rights and Gender Equality 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 3

Text proposed by the Commission

(3) The Union seeks to promote, develop and consolidate the values of liberty, democracy, respect for human rights and fundamental freedoms, principles of equality and the rule of law on which it is founded through dialogue and cooperation with third countries.

Amendment

(3) The Union seeks to promote, develop and consolidate the values of liberty, democracy, respect for human rights and fundamental freedoms, ***respect for women's rights, principles of equality and diversity, particularly equality between men and women, non-discrimination and*** the rule of law on which it is founded through dialogue and cooperation with third countries.

Amendment 2

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Women in partner countries face particular problems and discrimination in both the labour market and in private and public life.

Amendment 3

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) Under the European Neighbourhood Policy, the Union offers Neighbourhood countries a privileged relationship, building upon a mutual commitment to and promotion of the values of democracy and human rights, the rule of law, good governance and the principles of market economy and sustainable development.

(5) Under the European Neighbourhood Policy, the Union offers Neighbourhood countries a privileged relationship, building upon a mutual commitment to and promotion of the values of democracy ***and human rights, equality between men and women***, the rule of law, good governance and the principles of market economy and sustainable development.

Amendment 4

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Specific programming objectives and actions for gender equality and anti-discrimination should be supported under this Regulation. In addition, gender equality and anti-discrimination should also be integrated as a cross-cutting objective in all actions undertaken under this Regulation.

Amendment 5

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) The Joint EU – Africa Strategy *is* of relevance for relations with the Mediterranean neighbours from North Africa.

Amendment

(14) The Joint EU – Africa Strategy ***and the Istanbul Framework for Action are*** of relevance for relations with the Mediterranean neighbours from North Africa.

Amendment 6

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) European Union external support has increasing financing needs but the economic and budgetary *situation* of the Union limits the resources available for such support. The Commission must therefore seek the most efficient use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments.

Amendment

(19) European Union external support has increasing financing needs but the ***ongoing*** economic and budgetary ***austerity crisis*** of the Union limits the resources available for such support. The Commission must therefore seek the most efficient ***and practical*** use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments.

Amendment 7

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) Gender equality and anti-discrimination should be a cross-cutting objective in all actions undertaken under this Regulation.

Amendment

(21) Gender equality and anti-discrimination should be a cross-cutting objective in all actions undertaken under this Regulation, ***taking into account the role of women in democratic transitions in the partner countries and promoting***

women's rights and actions to combat acts of violence against women and gender-based discrimination. The place and the role of women should also be promoted through special measures and programmes to enhance the role of women in political and economic decision-making positions and in civil society. In order to strengthen the position of women in the partner countries, specific attention should be paid in supporting women's organisations and civil society, capacity-building, building cooperation between women's organisations in the Union and their counterparts in the partner countries, sharing of best practices and training.

Amendment 8

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) The changes taking place in the European neighbourhood of North Africa and the Middle-East must contribute towards the end of discrimination of women and their full participation in society on equal terms with men. The Union is committed to strongly oppose the use of sexual violence and the intimidation and targeting of women in particular with regard to the specific problems of human trafficking and Female Genital Mutilation.

The Union places at the top of its agenda the need to end the discrimination and persecution of Lesbian, Gay, Bi-sexual and Transgender (LGBT) people in the European neighbourhood region, and that countries which discriminate against LGBT people, in particular those countries which still criminalise homosexuality, and are in receipt of

Union financial aid should have such funds frozen or withdrawn.

Amendment 9

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Training courses should be promoted in European neighbourhood policy partner countries, targeting in particular those classes of people who are most vulnerable and at higher risk of poverty, such as elderly women and single mothers, in order to increase their involvement in all activities of society and thereby strengthen the role of women in political and economic decision-making processes, in education and the labour market thereby contributing towards their genuine emancipation for the benefit of society as a whole, and in relations with major partner countries.

Amendment 10

Proposal for a regulation Recital 22

Text proposed by the Commission

Amendment

(22) The Union is committed to promote in relations with its partners worldwide decent work as well as ratification and effective implementation of the internationally recognised labour standards and multilateral environment agreements, in relations with its partners worldwide.

(22) The Union is committed to promote in relations with its partners worldwide decent work as well as ratification and effective implementation of the internationally recognised labour standards and multilateral environment agreements, in relations with its partners worldwide. *Special attention should be paid to the services sector and the informal sector where women are most often employed, in order to ensure that their rights are respected and to promote their participation in the labour market and in*

national economies.

Amendment 11

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Civil society organisations have a key role to play in improving governance and shaping the future of the good neighbourliness, in collaboration with national parliaments. Women and young people should effectively be involved and contribute to this direction.

Amendment 12

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, ***promoting good governance*** and developing a thriving civil society including social partners;

(a) promoting human rights and ***particularly women's rights and*** fundamental freedoms, the rule of law, principles of equality ***and non-discrimination, equality between men and women, consolidating good governance,*** establishing deep and sustainable democracy and developing a ***free, independent, thriving and proactive*** civil society, including ***through close cooperation with*** social partners ***and women's organisations in order to identify areas for support and cooperation in regard to the implementation of gender policies in the partner countries;***

Amendment 13

Proposal for a regulation

Article 2 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) promoting women's rights and equality between men and women, increasing the presence of women in political and economic decision-making, in education and in the labour market so as to contribute to the empowerment of women, ensuring zero tolerance of violence against women and protection of women who are victims of violence, tackling impunity, combating trafficking in human beings and forced marriages, respecting sexual and reproductive health and rights and promoting the involvement of civil society in achieving these aims as well as in the gender mainstreaming process, in order to achieve true democracy;

Amendment 14

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) sustainable and inclusive development in all aspects, poverty reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development, climate action and disaster resilience;

(d) sustainable and inclusive development in all aspects, poverty reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development, climate action, ***equality between men and women*** and disaster resilience, ***paying special attention to promoting the role women play in these spheres as efficient managers of change and progress, also using the MDG indicators and empowerment indications;***

Amendment 15

Proposal for a regulation Article 2 – paragraph 3

Text proposed by the Commission

3. The achievement of these objectives shall be measured using notably the relevant EU periodic reports on the implementation of the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the EU regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, level of corruption, trade flows, indicators enabling measuring internal economic disparities, including employment levels.

Amendment

3. The achievement of these objectives shall be measured using notably the relevant EU periodic reports on the implementation of the policy, and for paragraphs 2(a), (**aa**), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the EU regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, level of corruption, trade flows, indicators enabling measuring internal economic disparities, including employment levels.

Amendment 16

Proposal for a regulation Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Gender equality and anti-discrimination is a cross-cutting objective of the Union support and within the programming, implementation and evaluation stages of the European Neighbourhood Policy Instrument, gender inequalities shall be consistently and systematically addressed, namely through special measures and programmes and through mainstreaming across all other activities.

Amendment 17

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.

Amendment

1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy ***based on respect for human rights, fundamental freedoms, women's rights, principles of equality between men and women, non-discrimination and the rule of law, its progress in establishing good governance, and*** its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.

Amendment 18

Proposal for a regulation Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In view of the large changes of the Arab Spring in the partner countries of the Southern Mediterranean and the role that women could play to the democratic efforts, special programmes and funding for the promotion of women's participation are needed.

Amendment 19

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. The partnership shall involve as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners and other non-state actors, in preparing, implementing and monitoring Union support.

Amendment

2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. The partnership shall involve as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners and other non-state actors, ***including representatives from women's organisations and youth organisations***, in preparing, implementing and monitoring Union support.

Amendment 20

Proposal for a regulation Article 7 – paragraph 5

Text proposed by the Commission

5. Financial allocations for country and multi-country programmes shall be determined using transparent and objective criteria reflecting the differentiation principle referred to in Article 4(1).

Amendment

5. Financial allocations for country and multi-country programmes shall be determined using transparent and objective criteria reflecting the differentiation principle referred to in Article 4(1) ***and taking due account of progress made on equality between men and women.***

Amendment 21

Proposal for a regulation Article 7 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. For countries eligible for the financial support under this Regulation, the Commission shall create a gender mainstreaming "infrastructure"; in particular permanent support structures shall be developed at both national and

Union level in order to support the implementation of gender mainstreaming.

Amendment 22

Proposal for a regulation

Article 7 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. In programming, specific regard shall be had to capacity-building in civil society, especially for women's organisations and youth organisations in the partner countries, including the facilitation of contact and cooperation with their counterparts in the Union and the sharing of best practices.

Amendment 23

Proposal for a regulation

Article 7 – paragraph 9

Text proposed by the Commission

Amendment

9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. Such emergency review shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their adoption.

9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, ***including women's rights***, or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. Such emergency review shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their adoption.

Amendment 24

Proposal for a regulation Article 7 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. In the event of changes in the political, legal, economic or social context, an assessment of the project shall be carried out by the Commission whether these changes affect the assumptions about gender roles and relationships made at the beginning of the project and may require adjustments to the project.

Amendment 25

Proposal for a regulation Article 17

Text proposed by the Commission

Amendment

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union support.

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, ***including women's rights and equality between men and women***, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of

Union support.

PROCEDURE

Title	Establishing a European Neighbourhood Instrument						
References	COM(2011)0839 – C7-0492/2011 – 2011/0405(COD)						
Committee responsible Date announced in plenary	AFET 17.1.2012						
Opinion by Date announced in plenary	FEMM 16.2.2012						
Rapporteur Date appointed	Emine Bozkurt 25.1.2012						
Discussed in committee	23.4.2012						
Date adopted	30.5.2012						
Result of final vote	<table> <tr> <td>+: </td><td>23</td></tr> <tr> <td>–: </td><td>0</td></tr> <tr> <td>0: </td><td>1</td></tr> </table>	+:	23	–:	0	0:	1
+:	23						
–:	0						
0:	1						
Members present for the final vote	Regina Bastos, Andrea Češková, Iratxe García Pérez, Mikael Gustafsson, Mary Honeyball, Lívia Járóka, Teresa Jiménez-Becerril Barrio, Nicole Kiil-Nielsen, Silvana Koch-Mehrin, Rodi Kratsa-Tsagaropoulou, Astrid Lulling, Elisabeth Morin-Chartier, Siiri Oviir, Antonyia Parvanova, Joanna Senyszyn, Joanna Katarzyna Skrzydlewska, Britta Thomsen, Angelika Werthmann, Inês Cristina Zuber						
Substitute(s) present for the final vote	Izaskun Bilbao Barandica, Vilija Blinkevičiūtė, Franziska Katharina Brantner, Minodora Cliveti, Mojca Kleva, Ana Miranda, Norica Nicolai, Antigoni Papadopoulou						

PROCEDURE

Title	Establishing a European Neighbourhood Instrument			
References	COM(2011)0839 – C7-0492/2011 – 2011/0405(COD)			
Date submitted to Parliament	7.12.2011			
Committee responsible Date announced in plenary	AFET 17.1.2012			
Committee(s) asked for opinion(s) Date announced in plenary	DEVE 17.1.2012	INTA 17.1.2012	BUDG 17.1.2012	EMPL 17.1.2012
	ENVI 17.1.2012	ITRE 17.1.2012	TRAN 17.1.2012	REGI 17.1.2012
	CULT 17.1.2012	LIBE 17.1.2012	FEMM 16.2.2012	
Not delivering opinions Date of decision	ENVI 24.1.2012	TRAN 23.1.2012	LIBE 26.1.2012	
Rapporteur(s) Date appointed	Eduard Kukan 5.10.2011			
Discussed in committee	9.7.2012			
Date adopted	5.12.2013			
Result of final vote	+: 46 -: 1 0: 1			
Members present for the final vote	Elmar Brok, Jerzy Buzek, Mark Demesmaeker, Michael Gahler, Marietta Giannakou, Ana Gomes, Andrzej Grzyb, Anna Ibrisagic, Anneli Jäätteenmäki, Jelko Kacin, Tunne Kelam, Nicole Kiil-Nielsen, Andrey Kovatchev, Eduard Kukan, Alexander Graf Lambsdorff, Vytautas Landsbergis, Marusya Lyubcheva, Willy Meyer, María Muñoz De Urquiza, Annemie Neyts-Uyttebroeck, Norica Nicolai, Raimon Obiols, Kristiina Ojuland, Ria Oomen-Ruijten, Ioan Mircea Pașcu, Alojz Peterle, Bernd Posselt, Hans-Gert Pöttering, Cristian Dan Preda, Libor Rouček, Tokia Saïfi, José Ignacio Salafranca Sánchez-Neyra, György Schöpflin, Werner Schulz, Marek Siwiec, Charles Tannock, Inese Vaidere, Geoffrey Van Orden, Nikola Vuljanić, Sir Graham Watson, Boris Zala			
Substitute(s) present for the final vote	Marije Cornelissen, Kinga Gál, Barbara Lochbihler, Antonio López-Istúriz White, Doris Pack, Ivo Vajgl			
Substitute(s) under Rule 187(2) present for the final vote	Hiltrud Breyer			
Date tabled	6.12.2013			