

**Financing instrument for development cooperation \*\*\*I**

**European Parliament legislative resolution of 21 October 2010 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation and Regulation (EC) No 1889/2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (COM(2009)0194 – C7-0043/2009 – 2009/0060A(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0194),
  - having regard to Article 251(2) and Articles 179(1) and 181a, first paragraph, of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0043/2009),
  - having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
  - having regard to Article 294(3) and Article 209(1) 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 Development (A7-0078/2009),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**P7\_TC1-COD(2009)0060A**

**Position of the European Parliament adopted at first reading on 21 October 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation ■**

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)* thereof,

Having regard to the proposal from the European Commission,

Acting in accordance with the ordinary legislative procedure<sup>1</sup>,

Whereas:

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<sup>1</sup> Position of the European Parliament of 21 October 2010.

- (1) A new framework for planning and delivering assistance was established in 2006 in order to make the Community's external assistance more effective and transparent. It contains Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)<sup>1</sup>, 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<sup>2</sup>, Council Regulation (EC) No 1934/2006 of 21 December 2006 establishing a financing instrument for cooperation with industrialised and other high-income countries and territories<sup>3</sup>, Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability<sup>4</sup>, Council Regulation (Euratom) No 300/2007 of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation<sup>5</sup>, Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 establishing a financing instrument for the promotion of democracy and human rights worldwide<sup>6</sup>, and Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation<sup>7</sup>.
- (2) In implementing **Regulation (EC) No 1905/2006** inconsistencies have emerged regarding exceptions to the principle of non-eligibility for Union financing of costs related to taxes, duties and other charges. It is therefore proposed to amend the relevant provisions of *that Regulation* in order to align *it* with the other instruments.
- (3) *The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of Geographic Strategy Papers, Multi-annual Indicative Programmes and Strategy Papers for thematic programmes, as they supplement Regulation (EC) No 1905/2006 and are of general application. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.*

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<sup>1</sup> OJ L 210, 31.7.2006, p. 82.  
<sup>2</sup> OJ L 310, 9.11.2006, p. 1.  
<sup>3</sup> OJ L 405, 30.12.2006, p. 41.  
<sup>4</sup> OJ L 327, 24.11.2006, p. 1.  
<sup>5</sup> OJ L 81, 22.3.2007, p. 1.  
<sup>6</sup> OJ L 386, 29.12.2006, p. 1.  
<sup>7</sup> OJ L 378, 27.12.2006, p. 41.

(4) This Regulation does not go beyond what is necessary in order to achieve the objective pursued, in accordance with Article 5(4) of the Treaty on European Union.

(5) Regulation (EC) No 1905/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 1905/2006 is hereby amended as follows:

(1) *In Article 17(2), the second subparagraph is replaced by the following:*

*"Further instructions regarding the allocation of the overall amount among beneficiaries shall be defined by the Commission by means of delegated acts in accordance with Article 35, and subject to the conditions laid down in Articles 35a and 35b.";*

- (2) *Article 21 is replaced by the following:*

*"Article 21*

*Adoption of strategy papers and multiannual indicative programmes*

*Strategy papers and multiannual indicative programmes referred to in Articles 19 and 20, and any reviews thereof referred to in Article 19(2) and Article 20(1), as well as accompanying measures referred to in Article 17, shall be adopted by the Commission by means of delegated acts in accordance with Article 35, and subject to the conditions laid down in Articles 35a and 35b."*

- (3) *Article 22(3) is replaced by the following:*

*"3. The annual action programmes shall be adopted by the Commission taking into account the opinions of the European Parliament and of the Council."*

- (4) *In Article 23, paragraphs 3 and 4 are replaced by the following:*

*"3. Where the cost of such measures exceeds EUR 10 million, the Commission shall adopt them taking into account the opinions of the European Parliament and of the Council. For special measures below EUR 10 million, the Commission shall send the measures to the European Parliament and to the Council for information within one month of adopting its decision.*

*4. Amendments to special measures, such as those making technical adjustments, extending the implementation period, reassigning funds within the forecast budget, or increasing or reducing the size of the budget by less than 20 % of the initial budget, provided these amendments do not affect the initial objectives set out in the Commission decision shall be communicated within one month to the European Parliament and to the Council."*

(5) Article 25(2) is replaced by the following:

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

(6) *In Article 33, paragraphs 1 and 2 are replaced by the following:*

*"1. The Commission shall regularly monitor and review its programmes, and evaluate the results of the implementation of geographical and thematic policies and programmes, and of sectoral policies and the effectiveness of programming, where appropriate by means of independent external evaluations, in order to ascertain whether the objectives have been met and enable it to formulate recommendations with a view to improving future operations. Proposals by the European Parliament, the national parliaments or the Council for independent external evaluations shall be taken into due account. Particular attention shall be given to social sectors and to progress made towards achieving the MDGs.*

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

(7) Article 34(1) is replaced by the following:

*"1. The Commission shall examine the progress made in implementing the measures taken under this Regulation and shall submit to the European Parliament and the Council an annual report on the implementation and the results and, as far as possible, on the main outcomes and impacts of the assistance. This report shall also be submitted to the national parliaments, to the European Economic and Social Committee and to the Committee of the Regions."*

(8) *Article 35 is replaced by the following:*

*"Article 35*

*Exercise of the delegation*

- 1. The power to adopt the delegated acts referred to in Article 17(2) and Article 21 shall be conferred on the Commission for the period of application of this Regulation.*
- 2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
- 3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 35a and 35b.*

*Article 35a*

*Revocation of the delegation*

- 1. The delegation of power referred to in Article 17(2) and Article 21 may be revoked at any time by the European Parliament or by the Council.*
- 2. The institution which has commenced an internal procedure for deciding whether to revoke a delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated power which could be subject to revocation and possible reasons for a revocation.*
- 3. The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.*

**Article 35b**

***Objections to delegated acts***

***1. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.***

***At the initiative of the European Parliament or the Council this period shall be extended by two months.***

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

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

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

**Article 2**

**I**

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

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

Done at ...,

For the European Parliament  
The President

For the Council  
The President