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**\*\*\*I**

## **REPORT**

on the proposal for a European Parliament and Council regulation on operations to aid uprooted people in Asian and Latin American developing countries  
(COM(2000) 831 – C5-0758/2000 – 2000/0338(COD))

Committee on Development and Cooperation

Rapporteur: Maria Carrilho

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 20 December 2000, the Commission submitted to Parliament, pursuant to Article 251(2) and Article 179(1) of the EC Treaty, the proposal for a European Parliament and Council regulation on operations to aid uprooted people in Asian and Latin American developing countries (COM(2000) 831 - 2000/0338 (COD)).

At the sitting of 15 January 2001, the President of Parliament announced that she had referred this proposal to the Committee on Development and Cooperation as the committee responsible and the Committee on Budgets and the Committee on Budgetary Control for their opinions (C5-0758/2000).

At its meeting of 6 March 2001, the Committee on Development and Cooperation appointed Maria Carrilho rapporteur.

At its meetings of 29 May and 20-21 June 2001, it considered the Commission proposal and the draft report.

At the last meeting, it adopted the draft legislative resolution unanimously.

The following were present for the vote: Joaquim Miranda, chairman; Lone Dybkjær and Margrietus J. van den Berg, vice-chairmen; Maria Carrilho, rapporteur; John Bowis (for Pier Ferdinando Casini), John Alexander Corrie, Nirj Deva, Concepció Ferrer (for Generoso Andria), Michael Gahler (for Karsten Knolle), Richard Howitt, Renzo Imbeni, Bashir Khanbhai, Wolfgang Kreissl-Dörfler, Miguel Angel Martínez Martínez, Hans Modrow, Didier Rod and Ulla Margrethe Sandbæk.

The opinions of the Committee on Budgets and the Committee on Budgetary Control are attached.

The report was tabled on 21 June 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## LEGISLATIVE PROPOSAL

### Proposal for a European Parliament and Council regulation on operations to aid uprooted people in Asian and Latin American developing countries (COM(2000) 831 – C5-0758/2000 – 2000/0338(COD))

The proposal is amended as follows:

Text proposed by the Commission <sup>1</sup>

Amendments by Parliament

#### Amendment 1 Recital 1

(1) In the context of refugee policy, the United Nations have adopted the Convention *of* 28 July 1951 relating to the Status of Refugees, the New York Protocol of 31 January 1967 and many resolutions.

(1) In the context of refugee policy, the United Nations have adopted the Convention ***concluded in Geneva on*** 28 July 1951 relating to the Status of Refugees, the New York Protocol of 31 January 1967 and many resolutions ***in this field and in the fields of human rights and humanitarian law.***

#### *Justification*

*Clarification.*

#### Amendment 2 Recital 2

(2) The 1948 Universal Declaration of Human Rights, the 1966 International Treaty on Economic, Social and Cultural Rights, the 1979 Convention on the Elimination of all Forms of Discrimination against Women and the 1989 Convention on Children's Rights also addresses the issue of refugees.

(2) The ***10 December*** 1948 Universal Declaration of Human Rights, ***the International Treaty on Civil and Political Rights of 16 December 1966***, the ***16 December*** 1966 International Treaty on Economic, Social and Cultural Rights, the ***18 December*** 1979 Convention on the Elimination of all Forms of Discrimination against Women and the ***20 November*** 1989 Convention on Children's Rights also

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<sup>1</sup> OJ C120, 24.4.2001, p. 163.

addresses the issue of refugees.

*Justification*

*More detailed and complete enumeration of existing legal instruments.*

Amendment 3

Recital 5

**(5) *Links and synergies between emergency aid, rehabilitation and development aid must be strengthened to improve complementarity and ensure consistency in the Community's operations.***

**(5) *An integrated, consistent and effective strategy must be devised for Community action in respect of humanitarian aid, rehabilitation, aid to uprooted people and development cooperation, with a view to pursuing a sustainable European Community development policy.***

*Justification*

*The issue of the links between emergency aid and development policy needs to be better explained, since its role in this area is fundamental.*

Amendment 4

Recital 5a (new)

***(5a) It is particularly necessary to integrate aid for uprooted peoples with the development strategy of the countries and population groups for whom the aid is destined; Community action should therefore facilitate the move from the emergency stage to that of development, encouraging the socio-economic integration or reintegration of the people affected and given the need to eliminate the causes of armed conflict, encourage the establishment or strengthening of democratic structures and the role of the***

*population in the development process.*

*Justification*

*This follows on from Amendment 3, and seeks to integrate action to help uprooted people with the goals of development policy and conflict prevention policy.*

Amendment 5  
Recital 6

(6) Support programmes for uprooted people and demobilised former soldiers are an integral part of an overall rehabilitation strategy for Latin American and Asian developing countries. For the programmes to be effective, aid must be coordinated at Community level and with other donors, non-governmental organisations (NGOs) and United Nations bodies.

(6) Support programmes for uprooted people and demobilised former soldiers are an integral part of an overall rehabilitation strategy for Latin American and Asian developing countries. For the programmes to be effective, aid must be coordinated at Community level and with other donors, non-governmental organisations (NGOs) and United Nations bodies, ***particularly the United Nations High Commissioner for Refugees (UNHCR). The Commission must take responsibility both for monitoring and ensuring the visibility of funds channelled by way of NGOs and the United Nations. The Commission is moreover politically responsible for the ways in which its funds are spent by NGOs and the United Nations.***

*Justification*

*The role of the UNHCR needs to be mentioned, since it must be viewed as a genuine political partner, and not merely a partner benefiting from financial support. See Parliament's resolution of 14 December 2000 on the 50<sup>th</sup> anniversary of the UNHCR. We must also emphasise the need to account for Community funds spent, under mandate, by NGOs and the United Nations agencies.*

Amendment 6  
Recital 7

(7) ***For the countries in question, this Delete.***

*type of aid is a necessary pre-condition for development and therefore contributes significantly to the objectives of the Community's cooperation policy.*

*Justification*

*Superfluous in the light of Amendments 3 and 4.*

Amendment 7  
Recital 7a (new)

***(7a) The effectiveness and consistency of Community, national and international prevention and intervention mechanisms should be ensured, both in order to prevent conflicts and to encourage all peaceful solutions to political conflicts and wars which result in population displacement.***

*Justification*

*Reference needs to be made to preventive action, given that humanitarian action has little value if the underlying causes of the conflict which result in the displacement of people are not tackled. It is also essential that the programme include follow-up action to secure the peaceful resolution of conflicts.*



*Amendment 8*

Recital 9

(9) Ideally, action to help uprooted people should form part of an approach that aims to move on from so-called subsistence to a stage in which they become self-sufficient or less dependent.

***Aid to help them settle or resettle themselves should take the form of measures to develop self-sufficiency through agricultural production, livestock rearing, fish farming, setting up credit facilities, basic education and vocational training, and at ensuring decent levels of health and hygiene.***

(9) Ideally, action to help uprooted people should form part of an approach that aims to move on from so-called subsistence to a stage in which they become self-sufficient or less dependent.

*Justification*

*Although the examples of action instanced are correct, enumeration of this kind is better included in the articles, where further action can be added; see Article 3(1) and Amendment 15.*

Amendment 9

Recital 9a (new)

***(9a) Effective, flexible and expeditious procedures need to be guaranteed for aid operations in this sphere; the Community will also ensure maximum transparency in the granting of aid, and strict controls on the use of appropriations.***

*Justification*

*The principles of flexibility, effectiveness and transparency are essential for aid-granting procedures, and should be specified here.*

Amendment 10

Recital 10

(10) Until 31 December 2000, the legal basis for Community action in this field **is** Council Regulation (EC) No 443/97 of 3 March 1997 on operations to aid uprooted people in Asian and Latin American developing countries, as amended by Regulation (EC) No 1880/2000.

(10) Until 31 December 2000, the legal basis for Community action in this field **was** Council Regulation (EC) No 443/97 of 3 March 1997 on operations to aid uprooted people in Asian and Latin American developing countries, as amended by Regulation (EC) No 1880/2000. ***The experience acquired during its application should be reflected in this Regulation.***

*Justification*

*The Regulation referred to has already expired, and the current proposal was submitted only a few days before its expiry.*

Amendment 11  
Recital 11

***This Regulation should enable the Community to continue its operations in these fields for an indefinite period.***

***This regulation lays down, for its entire duration, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure, for the budget authority during the annual budgetary procedure.***

*Justification*

*See also Ams. 31 and 27. Although this is non-compulsory expenditure, in order to reach a compromise with Council, we can agree that this legislative multiannual programme might incorporate financial provisions*

Or. en

Amendment 12  
Recital 12a (new)

***(12a) The protection of the Community's financial interests and the fight against fraud and irregularities form an integral part of this Regulation.***

*Justification*

*Self-explanatory.*

Amendment 13  
Article 1

The Community shall implement a programme of support and assistance to the persons referred to in Article 4 *to* contribute to their *urgent* requirements not covered by humanitarian aid and *to* carry out longer-term *projects and programmes* aimed at the self-sufficiency and integration or reintegration of such persons. In particular, this programme must provide for the basic needs of those persons from the time a humanitarian emergency subsides to the adoption of a longer-term solution to resolve their status.

The Community shall implement a programme of support and assistance to *uprooted people in Asian and Latin-American developing countries. The programme shall apply to the uprooted people and other* persons referred to in Article 4 *and* contribute to their requirements not covered by humanitarian aid and carry out longer-term *activities* aimed at the self-sufficiency and integration or reintegration of such persons. In particular, this programme must provide for the basic needs of those persons from the time a humanitarian emergency subsides to the adoption of a longer-term solution to resolve their status.

*The objectives of the assistance programmes include the establishment of democratic structures and the promotion of human rights.*

*Justification*

*The first part seeks to define the purpose of the aid more clearly, while the new paragraph seeks to extend the programme's scope to political, institutional and human rights issues, without which there can be no lasting solution to the conflicts and hence, no successful reintegration of those uprooted.*

Amendment 14  
Article 2

For the purposes of this Regulation:

*(a) "refugees" are those persons defined as such in the Convention on the Status of Refugees adopted on 28 July 1951 by the United Nations Conference on the Status of Refugees and Stateless Persons;*

For the purposes of this Regulation:

*(a) "uprooted people":*

*- refugees, as defined in the Convention on the Status of Refugees concluded in Geneva on 28 July 1951 and the New York Protocol of 31 January 1967;*

(b) “*displaced persons*” are persons who have been forced to seek refuge outside their region of origin owing to conflict situations but who do not enjoy refugee status as *defined by the 1951 Convention*;

(c) “*returnees*” are former refugees or displaced persons who have returned to their country or region of origin;

(d) “demobilised former soldiers” are former members of armed forces, be they regular or opposition forces, who have agreed to lay down their arms and reintegrate into civilian life.

- *displaced persons*, who have been forced to seek refuge outside their region of origin owing to conflict situations but who do not enjoy refugee status;

- former refugees or displaced persons who have returned to their country or region of origin;

(b) “demobilised former soldiers” are former members of armed forces, be they regular or opposition forces, who have agreed to lay down their arms and reintegrate into civilian life.

### *Justification*

*Clearer definition of the various categories, without substantive change.*

### Amendment 15 Article 3(1)

1. The Community shall give financial support to operations aimed in particular at:

(a) the self-sufficiency and reintegration into the socio-economic fabric of uprooted people as such (*refugees, displaced persons and returnees*) and demobilised former soldiers;

(b) aid to local host communities and resettlement areas to foster acceptance and integration of uprooted *persons*;

(c) helping those people return to and settle in their countries of origin or *third*

1. The Community shall give financial support to operations aimed in particular at:

(a) the self-sufficiency and reintegration into the socio-economic fabric of uprooted people as such and demobilised former soldiers; *aid to secure their integration or reintegration must have as its objective the promotion of sustainable production processes, and could include actions such as providing food aid, developing self-sufficiency by means of agricultural production, cattle farming, fish farming, developing infrastructure, setting up credit systems, basic education and vocational training and ensuring satisfactory health and hygiene standards*;

(b) aid to local host communities and resettlement areas to foster acceptance and integration of uprooted *people and demobilised former soldiers*;

(c) helping those people *voluntarily* return to and settle in their countries of origin or *other countries of their choice, if*

*countries;*

(d) support, where applicable, for any operation to reconcile parties to a conflict;

(e) operations to help persons recover their belongings or property rights and aid for the **legal** settlement of human rights violations against the people in question.

*conditions permit;*

(d) support, where applicable, for any operation to **prevent conflict and/or** reconcile parties to a conflict;

(e) operations to help persons recover their belongings or property rights and aid for the settlement of human rights violations against the people in question.

***1a. Particular attention should be paid to particularly vulnerable groups such as women and children.***

#### *Justification*

*Various types of action and principles of major importance to the whole subject are added, namely:*

*1(a) the sustainability of all production processes;*

*1(c) the principle of non-refoulement;*

*1(d) inclusion of the goal of conflict prevention, which must underpin the action covered by the new Regulation;*

*1(a) (new) the need to take particular account of the most vulnerable sectors of the population.*

#### Amendment 16

##### Article 4(a)

(a) uprooted people ***as such (refugees, displaced persons and returnees)*** in Latin American and Asian developing countries and persons from one of these countries provisionally settled in another developing country and, in duly substantiated exceptional cases, in another ***third*** country;

(a) uprooted people in Latin American and Asian developing countries and persons from one of these countries provisionally settled in another developing country and, in duly substantiated exceptional cases, in another country;

#### *Justification*

*Improved definition.*

#### Amendment 17

##### Article 4(b)

(b) demobilised former soldiers ***of regular armies and armed opposition movements***, plus their families and, where appropriate, their local communities;

(b) demobilised former soldiers, ***in Asian and Latin American developing countries***, plus their families and, where

appropriate, their local communities;

*Justification*

*Improved definition.*

Amendment 18  
Article 5

Operations carried out under this Regulation shall complement those provided for by other Community instruments governing development cooperation.

Operations carried out under this Regulation shall complement those provided for by other Community instruments governing **short-term humanitarian aid and long-term** development cooperation.

*Justification*

*Aid to uprooted people, under the responsibility of the External Relations Directorate-General, is an intermediate step between short-term humanitarian aid, carried out by the European Humanitarian Office, ECHO and long-term development cooperation, under the responsibility of the Development Directorate-General. EuropeAid at headquarters and the Commission Delegations in the field are two important actors responsible for much of the implementation. The Commission must ensure effective and timely coordination between all disparate parties.*

Amendment 19  
Article 6(1)

1. In the context of the operations referred to in Article 3, Community support may include the financing of studies (which **shall**, as far as possible, **be carried out by** consultants of the host country), technical assistance, training and other services, supplies, works, audits and evaluation and monitoring missions.

1. In the context of the operations referred to in Article 3, Community support may include the financing of **action to provide** technical assistance, training and other services, supplies, works, studies (which **should**, as far as possible, **be entrusted to or involve collaboration with** consultants **either** of the host country **or stationed there, and involve universities and research institutes**), audits and evaluation and monitoring missions.

*Justification*

*The financing of studies should also promote collaboration between various structures and bodies.*

Amendment 20  
Article 6(2)

2. Community financing may cover **both** investment expenditure, **excluding** the purchase of real estate, **and**, in duly substantiated cases and taking into account the fact that the project must, as far as possible, aim at medium-term viability, recurring expenditure (including administrative expenditure, maintenance and running costs), so that maximum use is made of the investments referred to in paragraph 1, the operation of which temporarily represents a burden for the partner.

2. Community financing may cover investment expenditure **and** the purchase of real estate, **when the latter is necessary for the direct implementation of the operation and provided that ownership is transferred to the beneficiary's local partners or the final recipients of the operation once the latter has come to an end. It can also cover**, in duly substantiated cases and taking into account the fact that the project must, as far as possible, aim at medium-term viability, recurring expenditure (including administrative expenditure, maintenance and running costs), so that maximum use is made of the investments referred to in paragraph 1, the operation of which temporarily represents a burden for the partner.

*Justification*

*Although the purchase of real estate should be the responsibility of the local authorities, in exceptional cases it ought to be possible to fund such purchases, e.g. when that is the only available way of housing people. In such cases ownership must be transferred at the end of the programme.*

Amendment 21  
Article 8(1)

1. The Commission shall be responsible for appraising, deciding or administering the operations covered by this Regulation in accordance with the budgetary and other procedures in force, in particular those laid down **by** the Financial Regulation

1. The Commission shall be responsible for appraising, deciding or administering the operations covered by this Regulation in accordance with the budgetary and other procedures in force, in particular those laid down **in Articles 2, 116 and 118 of** the

applicable to the general budget of the European Communities.

Financial Regulation applicable to the general budget of the European Communities.

*Justification*

*Clarification.*

Amendment 22  
Article 11(f)

(f) its commitment to defending, respecting and promoting human rights **and** democratic principles.

(f) its commitment to defending, respecting and promoting human rights, democratic principles **and humanitarian law**.

*Justification*

*Self-explanatory.*

Amendment 23  
Article 12, paragraph 3

3. Any financing agreement or contract concluded under this Regulation shall stipulate that the Commission and the Court of Auditors may carry out on-the-spot checks according to the usual arrangements laid down by the Commission under the provisions in force, particularly those in the Financial Regulation applicable to the general budget of the European Communities.

3. Any financing agreement or contract concluded under this Regulation shall stipulate that the Commission, the Court of Auditors **and the Anti-Fraud Office** may carry out, **if necessary**, on-the-spot checks according to the usual arrangements laid down by the Commission under the provisions in force, particularly those in the Financial Regulation applicable to the general budget of the European Communities.



*Justification*

*The Commission proposal does not provide explicitly for investigations by the Anti-Fraud Office, OLAF. This oversight is corrected in the amendment.*

Amendment 24  
Article 13(1)

1. Participation in invitations to tender and the award of contracts shall be open on equal terms to all natural and legal persons of the Member States and of the host country. It may be extended to other developing countries and, in ***duly substantiated*** exceptional cases, to other third countries.

1. Participation in invitations to tender and the award of contracts shall be open on equal terms to all natural and legal persons of the Member States and of the host country. It may be extended to ***operators in*** other developing countries and, in exceptional cases, to other third countries.

*Justification*

*'Duly substantiated' is deleted in the interests of greater flexibility.*

Amendment 25  
Article 13(2)

2. Supplies shall originate ***in the Member States, the host country, or other developing countries***. In ***duly substantiated*** exceptional cases supplies may originate elsewhere.

2. Supplies shall originate ***in the host country, other developing countries or the Member States***. In exceptional cases supplies may originate elsewhere.

*Justification*

*'Duly substantiated' is deleted in the interests of greater flexibility.*

Amendment 26  
Article 14(1)

1. In order to secure the objectives of consistency and complementarity referred to in the Treaty and to ensure maximum effectiveness of *these* operations *as a whole*, *the Commission may take all necessary coordination measures, including:*

*(a) establishing a system for the systematic exchange and analysis of information on the operations financed and those which the Community and the Member States propose to finance;*

*(b) on-the-spot coordination of the implementation of operations through regular meetings and exchanges of information between the representatives of the Commission and the Member States in the recipient country.*

1. In order to secure the objectives of consistency and complementarity referred to in the Treaty and to ensure maximum effectiveness of *the* operations *provided for in this Regulation, these shall be subject to on-the-spot operational coordination and shall form an integral part of the country strategy process.*

#### *Justification*

*Reference to the country strategy process is the best way to ensure coordination between humanitarian aid, rehabilitation and development cooperation policy.*

#### Amendment 27, by Maria Carrilho Article 15

*The budgetary authority shall determine the appropriations available for each financial year taking account of the principles of sound financial management referred to in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.*

*The financial framework for the implementation of this Regulation for the period from 2000 to 2004 is hereby set at 200 million Euro.*

*The annual appropriation shall be authorised by the budgetary authority within the limits of the financial perspective.*

#### *Justification*

*Following amendment 11 and the introduction of a time limit (until 2004) for this regulation,*

*a financial framework of 200 million Euro is also proposed, on the basis of 50 million Euro per year. We must stress that this is non-compulsory expenditure and must therefore be agreed by the budgetary authorities during the annual budget procedure.*

Or. en

Amendment 28  
Article 19(1)

1. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the **general** guidelines for the operations to be carried out in the year ahead, within the Committee referred to in Article 18(1).

1. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the **strategic** guidelines for the operations to be carried out in the years ahead, within the Committee referred to in Article 18(1). ***The guidelines will include, as far as possible, measurable objectives and deadlines for specific actions. These guidelines will be drawn up following consultation with departments responsible, in the field or headquarters, for programming, implementation and evaluation.***

*Justification*

*It is better to replace the general guidelines, which in the past have been of limited value due to their broad nature, with strategic guidelines. Such guidelines should have verifiable targets, deadlines and must be established in consultation.*

## Amendment 29

### Article 19(2)

2. After each budget year, the Commission shall submit **an** annual report to the European Parliament and to the Council, **summarising** the operations financed in the course of that year and the Commission's conclusions on the implementation of this Regulation over the previous budget year. The summary shall in particular provide information about those with whom contracts have been concluded. **The annual report shall also summarise** any independent evaluations of specific operations.

2. After each budget year, the Commission shall submit **in its** annual report **on EC development policy** to the European Parliament and to the Council, **information on** the operations financed in the course of that year and the Commission's conclusions on the implementation of this Regulation over the previous budget year. The summary shall in particular provide information about **the strengths and weaknesses of operations**, those with whom contracts have been concluded **as well as the results of** any independent evaluations of specific operations.

### *Justification*

*Self explanatory.*

## Amendment 30

### Article 19(3)

3. **Every** three years, the Commission shall submit an **evaluation** report on the implementation of this Regulation to the European Parliament and the Council with a view to establishing whether its objectives have been achieved and providing guidelines for improving the effectiveness of future operations.

3. **After** three years, the Commission shall submit an **independent appraisal** report on the implementation of this Regulation to the European Parliament and the Council with a view to establishing whether its objectives have been achieved and providing guidelines for improving the effectiveness of future operations. **The appraisal will assess the effectiveness of action taken following performance audits and independent evaluations.**

### *Justification*

*An overall appraisal of the overall success of the regulation should be made after three years*

*of operation. The regulation should be reviewed thereafter.*

Amendment 31  
Article 20

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

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

***It shall apply until 31 December 2004.***

***The need for a possible renewal will be dependent upon the results of the independent appraisal report, which will be available at least one year before the expiry of this Regulation, and the ability to integrate the current Regulation into the single framework Regulation for Asia and Latin America.***

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

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

*Justification*

*This amendment addresses the question of whether aid to uprooted people in Asia and Latin America should be subject to a special regulation or should be part of a general framework regulation that would cover the same region. The political benefits of a distinct legal base must be weighed against the managerial cost of a fragmented legal set up.*

## DRAFT LEGISLATIVE RESOLUTION

### **European Parliament legislative resolution on the proposal for a regulation of the European Parliament and the Council on operations to aid uprooted people in Asian and Latin American developing countries (COM(2000) 831 – C5-0758/2000 – 2000/0338(COD))**

#### **(Codecision procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2000)<sup>1</sup>),
  - having regard to Article 251(2) and Article 179(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0758/2000),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Development and Cooperation and the opinions of the Committee on Budgets and the Committee on Budgetary Control (A5-0228/2001),
1. Approves the Commission proposal as amended;
  2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> OJ C120, 24.4.2001, p. 163

## EXPLANATORY STATEMENT

1. The forced displacement of people is one of the major problems facing humanity. The displaced, whether victims of conflicts, persecution or other violations of human rights, are among the planet's most vulnerable inhabitants.

The complexity of the problems facing displaced people today reflects a range of factors, including: the vast increase in the numbers of those affected by the occurrence of violent conflicts; the fact that in conflict situations civilians are far and away the worst hit; the increase in trafficking in human beings; the practical difficulties of implementing asylum policy; and the progressive saturation of the capacity of host countries to take in refugees. The statistics on displaced people (see paragraph 5) show that in 2000 65% of the 22 million refugees and displaced and repatriated people worldwide were to be found in developing countries. Poverty and major economic and social disparities create ideal conditions for conflicts and the subsequent uprooting of people. It is worrying that while the number of regions in crisis and conflict worldwide has soared, real problems continue to dog the establishment of cooperation policies that will make an effective contribution to the development of the regions concerned. The gap between emergency humanitarian aid and medium and long-term development aid needs to be closed. It is well-known that media coverage of international aid is virtually confined to emergency situations. The people affected need to be protected and reintegrated, in order to preserve their dignity and guarantee their self-sufficiency. It is therefore important to integrate the objectives of development policy with policy on humanitarian aid and rehabilitation.

Finally, providing support for refugees and uprooted people is not merely a question of guaranteeing them short-term security and assistance, but, above all, tackling the complex challenge of dealing with the underlying causes of the conflicts which cause the problem.

2. In 1984, Parliament supported the creation of a budgetary heading for aid to refugees in Asia and Latin America. However, only in 1997 was this aid endowed with a legal basis by means of Regulation No 443/97 of 3 March 1997 on action to help uprooted people in Asian and Latin American developing countries. What is this aid supposed to achieve?

The idea is to help various groups (refugees, uprooted and repatriated people) who have left their country or region of origin or of residence because of conflicts, unsafe conditions or other crises than natural disasters, and to meet their most urgent needs (which would not be covered by humanitarian aid) and, above all, to implement longer-term projects and action programmes designed to encourage their self-sufficiency and reintegration (or integration), whether in their own countries, the host countries or third countries. The multifarious objectives covered by this aid therefore range from the survival to repatriation and reintegration of these population groups. Indeed, the aid may be extended to the local population in the host countries or the country to which the refugees are returning, and even to demobilised former soldiers both of the regular army and armed opposition movements, as well as their families and their respective communities.

3. Regulation No 443/97 saw itself as a short-term urgent measure with a life of less than three years, and it should have expired on 31 December 1999. It was extended by European Parliament and Council Regulation No 1880/2000 of 17 July 2000, which – eight months and ten days after the original regulation had expired – 'extended' its life to 31 December 2000 and made the necessary adjustments to the relevant financial envelope. In other words, a

regulation which had already expired was extended for three months and 20 days. Such are the vicissitudes of Community legislation. The aim was to enable aid to these population groups to continue, providing it with a suitable legal basis; in practice, the legislative approach adopted has been far from ideal, and the process has revealed a lack of attachment to the more long-term political commitments which the European Union should be shouldering in this sphere.

The Regulation expired for good at the end of last year, and now the Commission is proposing a new Regulation as a framework for this kind of aid.

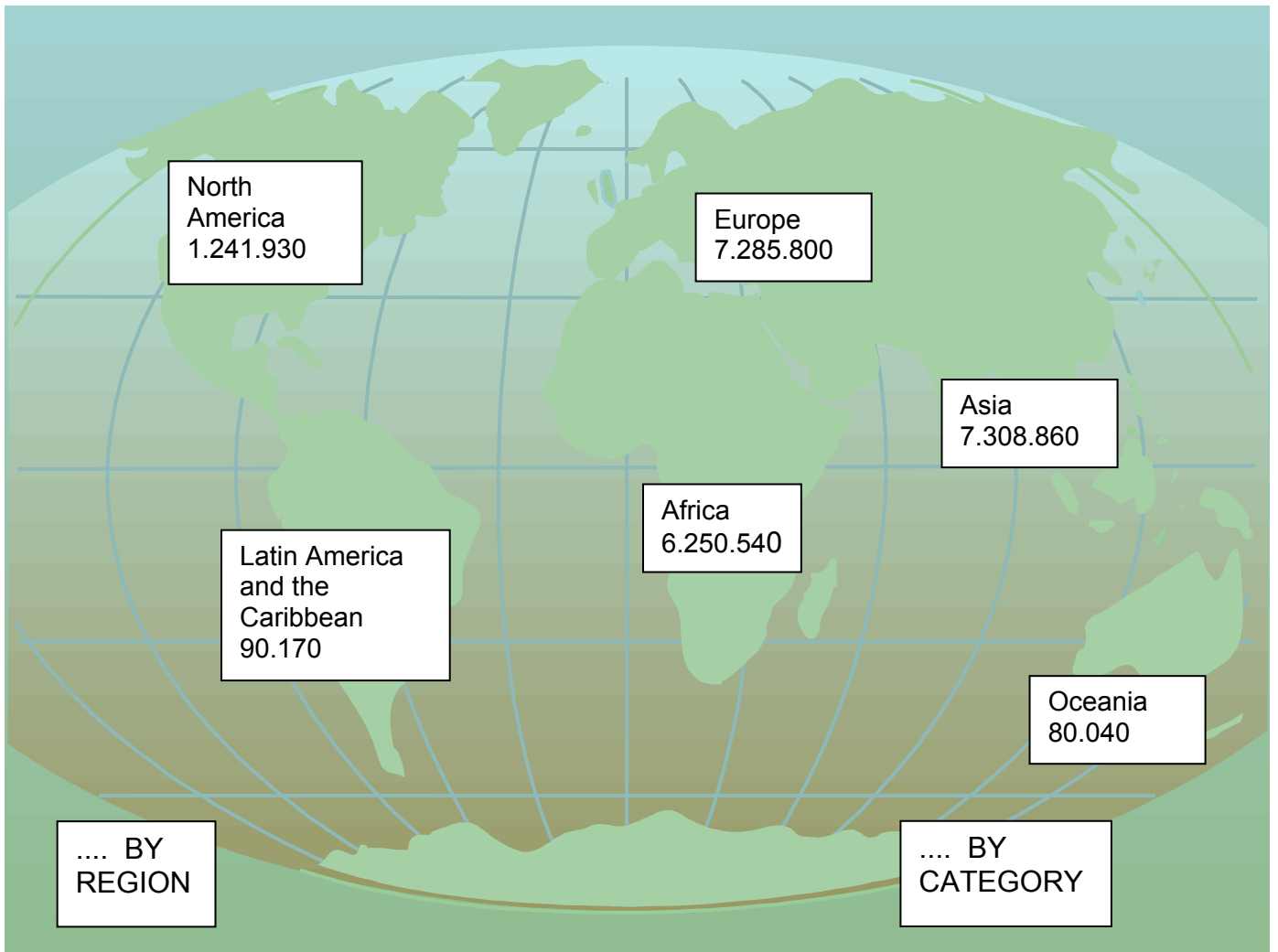
4. Before assessing the legislative proposal before us, we should take a quick look at the budgetary funding, which began relatively modestly at EUR 2.2 m in 1984 but rose between 1996 and 2000 to EUR 280 m, i.e. some EUR 60 m per annum, two thirds of which went to Asia and one third to Latin America.

In 1999, budgetary items B7-302 (aid to uprooted people in Asia) and B7-312 (aid to uprooted people in Latin America) had a budgetary allocation of EUR 37 m and EUR 21 m respectively. In 2000, Asia received EUR 40 m, and EUR 36 m in 2001; no funds were allocated to Latin America, since the situation had improved there, and there were other headings which could be used for funding aid of this kind. As regards the current situation, firstly, some global figures on refugees and their distribution:

<i>Geographical region</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>
ÁSIA	4.819.900	4.813.900	4.733.000	4.747.300	4.781.750
ÁFRICA	5.692.100	4.341.500	3.481.400	3.270.900	3.523.250
EUROPE	3.095.000	3.173.100	2.945.900	2.667.700	2.608.380
NORTH AMERICA	771.300	737.500	687.500	659.700	636.300
LATIN AMERICA AND THE CARIBBEAN	127.700	87.600	83.200	74.200	61.200
OCEÂNIA	67.600	75.000	72.900	74.300	64.500
<b>WORLD TOTAL</b>	<b>14.573.600</b>	<b>13.228.500</b>	<b>12.003.900</b>	<b>11.494.200</b>	<b>11.675.380</b>

However, since the proposal applies not only to refugees but to uprooted people, repatriated people and demobilised former soldiers, these figures need to be doubled. The latest data (for 2000) supplied by the UNHCR look like this:





**TOTAL 22.257.340**

Refugees 11.675.380	Displaced and other 6.890.530	Returnees 2.509.830	Asylum-seekers 1.181.600
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According to the same source, the figures (in millions) for these population groups were as follows for the period 1985-2000:

	<i>Africa</i>	<i>Asia</i>	<i>Europe</i>	<i>Latin America</i>	<i>North America</i>	<i>Oceania</i>	<i>Total</i>
<b>1985</b>	3.0	5.1	0.7	0.4	1.4	0.1	10.7
<b>1990</b>	4.6	6.8	0.8	1.2	1.4	0.1	14.9
<b>1995</b>	11.81	7.92	6.52	0.20	0.92	0.05	27.4
<b>1996</b>	9.1	7.7	7.7	0.2	1.3	0.05	26.1
<b>1997</b>	8.09	7.9	5.7	0.1	0.7	0.07	22.7
<b>1998</b>	7.4	7.4	6.0	0.1	1.3	0.07	22.3
<b>1999</b>	6.3	7.5	6.2	0.1	1.3	0.07	21.5
<b>2000</b>	6.3	7.3	7.3	0.09	1.2	0.08	22.3

As regards uprooted populations in Asia and Latin America, the following, particularly dramatic current situations are mentioned:

- Colombia - On the 'Plan Colombia', see the resolution adopted by Parliament on 1 February 2001, which should be taken into account;
- Afghanistan - There are between 500 000 and 1 million displaced persons within the country. Almost 2.6 million are living in neighbouring Iran and Pakistan;
- Sri Lanka - 600 000 displaced persons are receiving UNHCR assistance;
- Timor - up to mid-2000, the UNHCR helped 160 000 refugees to reintegrate in Timor.

6. What are the differences between the present legislative proposal and the 1997 Regulation?

The differences are not substantial: one of the Commission's recitals even refers to a Parliament resolution of 1983. More importantly, the objective is stated as being to 'provide for the basic needs of those persons from the time a humanitarian emergency subsides to the adoption of a longer-term solution to resolve their status' (Article 1). However, the reference made in Article 1 of the 1997 Regulation to setting up democratic structures and promoting human rights as coming under the programme's objectives has disappeared. The figure for the overall funding laid down in 1997, namely EUR 280 m for the period 1996-2000, has also disappeared, reflecting Parliament's belief that such sums could be decided by the budgetary authority. The proposal, unlike the 1997 Regulation, sets no limit to the new regulation's validity. This will avoid a repetition of the problems mentioned above. On the issue of the Commission's evaluation report, which was fiercely debated in Parliament when the 1997 Regulation was amended, the new proposal lays down that over and above the annual report on the operations financed, the Commission shall submit an evaluation report every three years (Article 19).

Basically, however, the new proposal simply takes over the provisions of the 1997 Regulation.

It may therefore be of some interest to look back the opinion returned by Parliament in 1996 on the Commission's then proposal for this regulation. The rapporteur was Mr Howitt, and of the various amendments proposed by Parliament (there was no codecision in this sphere at that time) we would mention those which highlighted the need highlighted the need for the following:

- to prevent forced repatriation (the 'non-refoulement principle');
- to uphold the principle of non-discrimination, in order to prevent the persecution of specific social groups, and to promote equality for women and the protection of children's rights;
- to fund the reclaiming of land rights in order to guarantee survival;
- to guarantee the requisite mechanisms to maintain flexibility and rapid response.

7. Other regulations and budgetary headings exist which allow the allocation of aid and which could equally well apply to uprooted people. This applies, in particular, to humanitarian aid (Regulation No 1257/96 – ECHO) and the regulation on rehabilitation recovery and reconstruction in developing countries (Regulation No 2258/96). Furthermore, there is also Regulation No 443/92 on financial and technical aid and economic cooperation with Latin American and Asian developing countries.

Is there then any justification for a specific regulation on aid to uprooted people?

Both ECHO and the aid for rehabilitation are over-arching, and apply to all geographical regions. ECHO's budgetary resources amount to some EUR 500 m<sup>1</sup> and reconstruction activities accounted for over EUR 100 m in the 2001 budget. However, the current proposal for a regulation is aimed at specific population groups, and is designed to provide back-up for those groups throughout the period in which they find themselves displaced, a situation which may last a long time. From the initial emergency situation, when they were forced to leave their place of residence (whether or not they had to leave the country, whether or not they are in refugee camps), right up to the time they achieve social and economic integration or reintegration and become self-sufficient. In other words, from the subsistence phase right through to self-sufficiency, integration and autonomy at which point the mechanisms on economic cooperation in the form of financial and technical aid will apply.

The situations of such population groups vary considerably, and each situation will change over time. Nonetheless, there is a common feature: all of them have been profoundly affected as far as their basic identity, belonging, protection and physical location are concerned, and as displaced people, they are all amongst the most vulnerable and least-favoured of the inhabitants of the planet.

Your rapporteur believes that it is extremely important to have a specific regulation to clarify the 'grey area' between emergency aid and development aid, that period in which emergency situations become long-term and the people affected need support if they are to move from mere survival to the establishment of the minimum conditions they require for 'self-subsistence'. The new regulation's versatility, and the fact that it is directed at local

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<sup>1</sup> Not counting the European Development Fund monies applicable to the ACP countries. The sums earmarked within the Community budget and the EDF totalled EUR 800 m in 1999.

communities while at the same time taking a medium to long-term outlook means that it could well be applied horizontally to other regions.

Finally, it should be pointed out that for countries like Afghanistan and Burma, where no normal cooperation relationship exists, beyond emergency aid for specific periods of time, this Regulation is the sole means by which assistance could be provided to uprooted people whose needs are particularly severe.

5 June 2001

## **OPINION OF THE COMMITTEE ON BUDGETS**

for the Committee on Development and Cooperation

on the proposal for a Council regulation on operations to aid uprooted people in Asian and Latin American developing countries  
(COM(2000) 831 – C5-0758/2000 - 2000/0338(COD))

Draftsman: Neena Gill

### **PROCEDURE**

The Committee on Budgets appointed Neena Gill draftsman at its meeting of 23 January 2001.

It considered the draft opinion at its meeting of 28 May 2001.

At this meeting it adopted the following amendments unanimously.

The following were present for the vote: Reimer Böge acting chairman; Neena Gill draftsman; Herbert Bösch (Paulo Casaca), Kathalijne Maria Buitenweg, Joan Colom i Naval, Carlos Costa Neves, Den Dover, Göran Färm, Jutta D. Haug, Ulpu Iivari (for Constanze Angela Krehl), Anne Elisabet Jensen, Ioannis Souladakis (for Giovanni Pittella), Francesco Turchi, Kyösti Tapio Virrankoski, Ralf Walter and Brigitte Wenzel-Perillo.

## SHORT JUSTIFICATION

1. The rapporteur would like to approve this proposal subject to the usual reservations of the Budgets Committee on commitology. The proposed regulation is the legal base for 2 budget lines (B7-302 and B7-312) under which, respectively, the EU assists uprooted people in Asia and in Latin America, with the bulk of aid (43%) and currently going to people uprooted by the conflicts in Afghanistan and having sought refuge in Pakistan.
2. The importance of having separate actions for uprooted people has always been supported by Parliament, since the specific nature of the problems faced by uprooted people cannot be dealt with adequately under normal country-based or regionally-defined development programmes. Moreover, the semi-permanent status of some of the refugee populations concerned calls for long-term assistance and the use of emergency aid instruments such as ECHO is less appropriate to their on-going needs.
3. The rapporteur, following usual Budgets Committee line, would like to ensure that the programme as far as possible without interference from the commitology committee composed of Member States' representatives. To this end she proposes that:
  - The Commission should not have to submit each and every project to the committee; even the idea of having a threshold value under which some projects would not be submitted to the committee is unacceptable, on principle. Following the highly successful CARDS model and the recently revamped MEDA regulation, the committee should concentrate its scouting more on the annual work plans of the Commission and on ex post evaluation and leave the Commission to get on with its job of implementing the budget
  - The Management Committee model is inappropriate and should be replaced by a Consultative Committee in order to allow the Commission maximum leeway to exercise its responsibility for implementing the budget.
4. Finally, the rapporteur is extremely concerned by the timetable for the adoption of this new regulation and criticises the Commission for leaving it so late before making its proposal. In effect, the legal base for these actions expired at the end of December 2000. So the Commission will have a problem in implementing the available appropriations (€36 million on B7-302) unless the legislative authority (Parliament and Council) quickly adopt the necessary legislation. She therefore urges the Development Committee to conclude the procedure as soon as possible.

5. It would be particularly inappropriate to hold up the procedure by arguments over the multiannual financial framework for this proposal. The Commission has quite rightly not included a reference amount in the legislation. It is clearly impossible to anticipate what needs will be in future years as unexpected events can uproot people in new places within these regions at any time. The rapporteur therefore urges the Development Committee and the Council not to indulge in the usual haggling over the symbolic amount to be allocated to these actions over a multi-annual period. Having the budgetary authority decide what to allocate on an annual basis provides the flexibility necessary to cope with new and sudden influxes of uprooted people which may occur.

## AMENDMENTS

The Committee on Budgets calls on the Committee on Development and Cooperation, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

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### Amendment 1 Recital 12

*Since the measures necessary for the implementation of this Regulation are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, they should be adopted by use of the management procedure provided for in Article 4 of that Decision,*

*The measures necessary for the implementation of this Regulation should be adopted by use of the advisory procedure provided for in Article 3 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>2</sup>,*

### *Justification*

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<sup>1</sup> OJ C ##.

<sup>2</sup> OJ L 184, 17.7.1999, p. 23

Amendment 2  
Article 18, Paragraphs 2 and 3

- |    |  |    |  |
|----|--|----|--|
| 2. | Where reference is made to this paragraph, the <i>management</i> procedure laid down in Article 4 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof. | 2. | Where reference is made to this paragraph, the <i>advisory</i> procedure laid down in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof. |
| 3. | The period provided for in Article 4(3) of Decision 1999/468/EC shall be one month.  | 3. | The period provided for in Article 3(2) of Decision 1999/468/EC shall be one month.  |

*Justification*



19 June 2001

## **OPINION OF THE COMMITTEE ON BUDGETARY CONTROL**

for the Committee on Development and Cooperation

on the proposal for a regulation of the European Parliament and the Council on operations to aid uprooted people in Asian and Latin American developing countries  
(COM(2000) 831 – C5-0758/2000 – 2000/0338(COD))

Draftsman: Freddy Blak

### **PROCEDURE**

The Committee on Budgetary Control appointed Freddy Blak draftsman at its meeting of 24 January 2001.

It considered the draft opinion at its meetings of 29 May and 18 June 2001.

At the latter meeting it adopted the following amendments unanimously.

The following were present for the vote: Diemut R. Theato, chairman; Herbert Bösch, vice-chairman; Freddy Blak, vice-chairman and draftsman; Mogens N.J. Camre (for Isabelle Caullery), Bert Doorn (for Raffaele Costa), Christos Folias (for Thierry B. Jean-Pierre), Christopher Heaton-Harris, Emmanouil Mastorakis (for Helmut Kuhne), Jan Mulder (for Lousewies van der Laan), Giovanni Pittella (for Eluned Morgan), Michel Ange Scarbonchi, Esko Olavi Seppänen (for Marianne Eriksson), Rijk van Dam, Michiel van Hulten and Kyösti Tapio Virrankoski (for Antonio Di Pietro).

## SHORT JUSTIFICATION

Members may be forgiven for a sense of déjà vu as they return to vote on the extension of a regulation that governs aid to uprooted people in Asia and Latin America.

On 22 February 2000, the Committee on Budgetary Control voted on a Commission proposal to extend Council Regulation No 443/97 for an additional 12 months. The original regulation covered the period 3 March 1997 until 31 December 1999. A proposal for a one-year extension was made in October 1999, with full knowledge that the codecision procedure, which is quite lengthy, would apply. Owing to the late submission for the extension, much of 2000 was taken up with discussions with the Council and Parliament.

On 20 December 2000, days before the expiry of the extended Regulation, the Commission made a proposal for a new Regulation to manage aid uprooted people in Asia and Latin America. This time the proposal, which is almost identical to its forerunner, has no expiry date. Three questions spring to mind.

- (a) Why is the new proposal so similar to the original?*
- (b) Why did the Commission come forward with a proposal at such a late stage?*
- (c) Why is a time limit for expiry not built in?*

The draftsman has attempted to address these issues as well as the questions related to

- control of funds channelled through NGOs and the UN *Amendment 1*
- coordination between DGs Relex, ECHO and Development *Amendment 2*
- on-the-spot controls by the Anti-Fraud Office *Amendment 3*
- strategic guidelines, annual evaluations and final appraisal *Amendment 4*
- possible expiry of regulation *Amendment 5*

## AMENDMENTS

The Committee on Budgetary Control calls on the Committee on Development and Cooperation, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission <sup>1</sup>	Amendments by Parliament
Amendment 1 Recital 6	
Support programmes for uprooted people and demobilised former soldiers are an integral part of an overall rehabilitation strategy for Latin American and Asian	Support programmes for uprooted people and demobilised former soldiers are an integral part of an overall rehabilitation strategy for Latin American and Asian

<sup>1</sup> OJ C .120, 24.4.2001.

developing countries. For the programmes to be effective, aid must be coordinated at Community level and with other donors, non-governmental organisations (NGOs) and United Nations bodies.

developing countries. For the programmes to be effective, aid must be coordinated at Community level and with other donors, non-governmental organisations (NGOs) and United Nations bodies. ***The Commission must take responsibility both for monitoring and ensuring the visibility of funds channelled by way of NGOs and the United Nations. The Commission is moreover politically responsible for the ways in which its funds are spent by NGOs and the United Nations.***

#### *Justification*

*It is necessary for responsibility to be laid down for Community funds that are spent through the intermediary of NGOs and UN bodies. It must be made clear that, in financing NGO and UN projects, the Commission continues to carry a political responsibility for how its money is spent, and is not thereby discharged of it.*

#### Amendment 2 Article 5

Operations carried out under this Regulation shall complement those provided for by other Community instruments governing development cooperation.

Operations carried out under this Regulation shall complement those provided for by other Community instruments governing ***short-term humanitarian aid and long-term*** development cooperation.

#### *Justification*

*Aid to uprooted people, under the responsibility of the External Relations Directorate-General, is an intermediate step between short-term humanitarian aid, carried out by the European Humanitarian Office, ECHO and long-term development cooperation, under the responsibility of the Development Directorate-General. EuropeAid at headquarters and the Commission Delegations in the field are two important actors responsible for much of the implementation. The Commission must ensure effective and timely coordination between all disparate parties.*

#### Amendment 3

### Article 12, paragraph 3

Any financing agreement or contract concluded under this Regulation shall stipulate that the Commission and the Court of Auditors may carry out on-the-spot checks according to the usual arrangements laid down by the Commission under the provisions in force, particularly those in the Financial Regulation applicable to the general budget of the European Communities.

Any financing agreement or contract concluded under this Regulation shall stipulate that the Commission, the Court of Auditors **and the Anti-Fraud Office** may carry out, **if necessary**, on-the-spot checks according to the usual arrangements laid down by the Commission under the provisions in force, particularly those in the Financial Regulation applicable to the general budget of the European Communities.

### *Justification*

*The Commission proposal does not provide explicitly for investigations by the Anti-Fraud Office, OLAF. This oversight is corrected in the amendment.*

### Amendment 4 Article 19

1. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the **general** guidelines for the operations to be carried out in the year ahead, within the Committee referred to in Article 18(1).

2. After each budget year, the Commission shall submit an annual report to the European Parliament and to the Council, summarising the operations financed in the course of that year and the

1. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the **annual strategic** guidelines for the operations to be carried out in the year ahead, within the Committee referred to in Article 18(1). ***The annual strategic guidelines will include, as far as possible, measurable objectives and deadlines for specific actions. These guidelines will be drawn up following consultation with departments responsible, in the field or headquarters, for programming, implementation and evaluation.***

2. After each budget year, the Commission shall submit an annual **evaluation** report to the European Parliament and to the Council, summarising the operations financed in the course of that year and

Commission's conclusions on the implementation of this Regulation over the previous budget year. The summary shall in particular provide information about *those* with whom contracts have been concluded. ***The annual report shall also summarise*** any independent evaluations of specific operations.

4. ***Every*** three years, the Commission shall submit an ***evaluation*** report on the implementation of this Regulation to the European Parliament and the Council with a view to establishing whether its objectives have been achieved and providing guidelines for improving the effectiveness of future operations.

the Commission's conclusions on the implementation of this Regulation over the previous budget year. The summary shall in particular provide information about ***the strengths and weaknesses of operations, the impact of aid,*** those with whom contracts have been concluded ***as well as the results of*** any independent evaluations of specific operations.

4. ***After*** three years, the Commission shall submit an ***independent appraisal*** report on the implementation of this Regulation to the European Parliament and the Council with a view to establishing whether its objectives have been achieved and providing guidelines for improving the effectiveness of future operations. ***The appraisal will assess the effectiveness of action taken following performance audits and independent evaluations.***

#### *Justification*

3. *The draftsman wishes to replace general guidelines, which in the past have been of limited value due to their broad nature, with specific annual strategic documents. Verifiable targets, with an appropriate timetable, where possible, should be established. Headquarters should not establish this annual document without consulting desk-officers and officials in the Delegation.*
4. *The annual evaluation report should ascertain how well the strategic guidelines operated in practice.*
5. *An overall appraisal of the overall success of the proposed regulation should be made after three years of operation. The regulation should be reviewed thereafter.*

## *Amendment 5*

### Article 20

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

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

***It shall apply until 31 December 2005.***

***The need for a possible renewal will be dependent upon the results of the independent appraisal report, which will be available at least one year before the expiry of this Regulation, and the ability to integrate the current Regulation into the single framework Regulation for Asia and Latin America.***

### *Justification*

*This amendment addresses the question of whether aid to uprooted people in Asia and Latin America (ALA) should be subject to a special regulation or should be part of a general framework regulation that would cover the same region. The political benefits of a distinct legal base must be weighed against the managerial cost of a fragmented legal set up. The draftsman therefore raised this question in his last opinion on the one-year extension of the regulation.*

*"What are the advantages and disadvantages of consolidating this programme under a single legal framework?" (paragraph 8iii, PE 232.005, 22 February 2000)*

*In the absence of an answer the draftsman tends to err on the side of arguments in favour of a single framework regulation. He therefore proposes that the specific regulation could be absorbed into the overall ALA regulation, foreseen to enter into force in 2004. This will also be the year when the results of the three-year appraisal are made known.*