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A6-0041/2004

25.11.2004

REPORT

on the proposal for a Council regulation amending Regulation (EC) No 976/1999 laying down the requirements for the implementation of Community operations, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries
(COM(2003)0639 – 6018/2004 – C6-0078/2004 – 2004/0807(CNS))

Committee on Foreign Affairs

Rapporteur: Edward H.C. McMillan-Scott

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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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council regulation amending Regulation (EC) No 976/1999 laying down the requirements for the implementation of Community operations, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries
(COM(2003)0639 – 6018/2004– C6-0078/2004 – 2004/0807(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2003)0639)¹,
 - having regard to the modified proposal by the Council (6018/2004),
 - having regard to Article 181a (2) of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0078/2004),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A6-0041/2004),
1. Approves the Commission proposal as modified by the Council;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ.

6.10.2004

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Foreign Affairs

on the proposal for a Council Regulation amending Regulation (EC) No 976/1999 laying down the requirements for the implementation of Community operations, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries
(COM(2003)0639 – C5-0078/2004 – 2004/0807(CNS))

Draftsman: Fernando Fernández Martín

PROCEDURE

By letter of 28 October 2003 the Commission submitted to Parliament, pursuant to Articles 251(2), 179(1) and 181a(2) of the EC Treaty, the proposal for a European Parliament and Council Regulation amending Regulation (EC) No 975/1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms (COM(2003) 639 – 2003/0250(COD)) and regulation (EC) No 976/1999 laying down the requirements for the implementation of Community operations, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries (COM(2003) 639 - C5-0078/2004 - 2004/0807(CNS)).

At the sitting of 5 November 2003 the President of Parliament announced that he had referred the proposal to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy as the committee responsible and to the Committee on Development and Cooperation and the Committee on Budgets for their opinions (C5-0507/2003).

At the sitting of 18 December 2003 the President of Parliament announced that the Committee on Development and Cooperation would be involved in drawing up its opinion pursuant to rule 162a.

The Committee on Foreign Affairs, Human Rights, Common Security and Defence policy appointed Edward H.C. McMillan-Scott rapporteur at its meeting of 8 July 2003, the Committee on Development and Cooperation appointed Fernando Fernández Martín draftsman at its meeting of 9 July 2003, the Committee on Budgets appointed Gianfranco

Dell'Alba draftsman at its meeting of 26 November 2003.

On 13 February, the Director General of the legal service of the Council wrote to the president of the Parliament explaining that "regulation 975 and regulation 976 being two separate legal instruments with different scope of application, it has been considered that each of the amending regulations has to be adopted separately".

On 1 April, the Conference of Presidents of the Parliament decided to attribute regulation n° 975/1999 to the Committee on Development and Cooperation (under co-decision procedure) and regulation n° 976/1999 to the Committee on Foreign Affairs, Human Rights, Common Security and Defence policy (under consultation procedure).

Fernando Fernández Martín has been confirmed as draftsman for opinion on the 27 July 2004.

On 6 October 2004, the Committee on Development adopted its draft opinion on regulation n° 976/1999 by 24 votes with one abstention.

The following were present for the vote: Luisa Morgantini (chairperson), Margrietus J. van den Berg (vice-chairman), Michael Gahler (vice-chairman), Danutė Budreikaitė (vice-chairperson), Marie-Arlette Carlotti, Thierry Cornillet, Nirj Deva, Hélène Goudin, Jana Hybášková, Filip Andrzej Kaczmarek, Glenys Kinnock, Ģirts Valdis Kristovskis, Maria Martens, Miguel Angel Martínez Martínez, Gay Mitchell, Józef Pinior, José Ribeiro e Castro, Toomas Savi, Frithjof Schmidt, Mauro Zani (members), Ana Maria R.M. Gomes, Manolis Mavrommatis, Linda McAvan, Anders Wijkman, Zbigniew Franciszek Zaleski (substitutes).

AMENDMENTS

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

Text proposed by the Commission

Amendments by Parliament

Amendment 1

ARTICLE 2, POINT -1 (new)

Article 3, paragraph 2, point h (new) (Regulation (EC) No 976/1999)

(-1)The following point is inserted in Article 3(2):

"(h) supporting efforts to foster the establishment of groupings of democratic countries within United Nations bodies, specialised agencies and regional organisations."

Amendment 2

ARTICLE 2, POINT 1

Article 5, paragraph 1 (Regulation (EC) No 976/1999)

The following sentence is added at the end of the *first paragraph of Article 5*:

"In ***duly justified cases*** natural persons are eligible for financing under this Regulation."

The following sentence is added at the end of *Article 5, paragraph 1*:

"In ***the case of EU election observation missions and 'amicus curiae' proceedings*** natural persons are eligible for financing under this Regulation."

Amendment 3

ARTICLE 2, POINT 5

Article 12 (Regulation (EC) No 976/1999)

1. The Commission shall adopt the framework for the programming and identification of Community activities.

The framework shall consist, in particular, of

- (a) multiannual indicative programmes and annual updates of these programmes,
- (b) annual work programmes.

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In particular situations, specific measures not covered by an annual work programme may be approved.

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2. The Commission shall produce an annual report setting out programming for the coming year by region and by sector, and shall report back on the implementation to the European Parliament.

The Commission shall be responsible for managing and adapting, in conformity with this Regulation and according to the requirements of flexibility, the annual work programmes that were defined in the overall framework of the multiannual setting. The decisions made shall reflect the priorities and main concerns of the European Union for the consolidation of democracy, the rule of law and respect for human rights, and shall be determined by the unique nature of the programmes. The Commission shall keep the European Parliament fully informed of the proceedings.

2. The Commission shall implement Community operations under this Regulation in accordance with the budgetary and other procedures in force, in particular those laid down in Council Regulation (EC, Euratom) No 1605/2002.”

3. The Commission shall implement Community operations under this Regulation in accordance with the budgetary and other procedures in force, in particular those laid down in Council Regulation (EC, Euratom) No 1605/2002.

(Paragraph 2 becomes paragraph 3)

PROCEDURE

Title	Proposal for a Council regulation amending Regulation (EC) No 976/1999 laying down the requirements for the implementation of Community operations, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries		
References	COM(2003)0639 – 6018/2004 – C6-0078/2004 – 2004/0807(CNS)		
Legal basis	Article 181 a-p2 EC		
Basis in Rules of Procedure	Rule 51		
Date of consulting Parliament	13.2.2004		
Committee responsible Date announced in plenary	AFET 16.9.2004		
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 16.9.2004	DEVE 16.9.2004	
Not delivering opinion(s) Date of decision	BUDG 9.3.2004		
Enhanced cooperation Date announced in plenary			
Rapporteur(s) Date appointed	Edward H.C. McMillan-Scott 13.9.2004		
Previous rapporteur(s)			
Simplified procedure Date of decision			
Legal basis disputed Date of JURI opinion			
Financial endowment amended Date of BUDG opinion			
European Economic and Social Committee consulted Date of decision in plenary			
Committee of the Regions consulted Date of decision in plenary			
Discussed in committee	22.9.2004	12.10.2004	23.11.2004
Date adopted	23.11.2004		
Result of final vote	for: [25] against: [0] abstentions: [1]		
Members present for the final vote	Monika Beňová, Elmar Brok, Simon Coveney, Anna Elzbieta Fotyga, Maciej Marian Giertych, Georgios Karatzaferis, Ioannis Kasoulides, Helmut Kuhne, Edward H.C. McMillan-Scott, Cecilia Malmström, Francisco José Millán Mon, Pierre Moscovici, Alojz Peterle, Mirosław Mariusz Piotrowski, Raúl Romeva i Rueda, Libor Rouček, Konrad Szymański, Paavo Väyrynen, Geoffrey Van Orden		
Substitutes present for the final vote	Giovanni Claudio Fava, Hélène Flautre, Milan Horáček, Ioannis Matisis, Dariusz Rosati, Aloyzas Sakalas, María Elena Valenciano Martínez-Orozco		
Substitutes under Rule 178(2) present			

for the final vote		
Date tabled – A6	25.11.2004	A6-0041/2004
Comments		