



**A7-0447/2013**

6.12.2013

**\*\*\*I**  
**IZVJEŠĆE**

o prijedlogu Uredbe Europskog parlamenta i Vijeća o uspostavi zajedničkih pravila i postupaka za provođenje instrumenata Unije za vanjsko djelovanje (COM(2011)0842 – C7-0494/2011 – 2011/0415(COD))

Odbor za vanjske poslove

Izvjestitelj: Elmar Brok

Izvjestitelj za mišljenje (\*):  
Thijs Berman, Odbor za razvoj

(\*) Pridruženi odbor – članak 50. Poslovnika

### ***Oznake postupaka***

- \* Postupak savjetovanja
- \*\*\* Postupak suglasnosti
- \*\*\*I Redovni zakonodavni postupak (prvo čitanje)
- \*\*\*II Redovni zakonodavni postupak (drugo čitanje)
- \*\*\*III Redovni zakonodavni postupak (treće čitanje)

(Navedeni se postupak temelji na pravnoj osnovi predloženoj u nacrtu akta.)

### ***Izmjene nacrta akta***

U amandmanima Parlamenta izmjene nacrta akta označene su ***podebljanim kurzivom***. *Obični kurziv* naznaka je tehničkim službama da se radi o dijelovima nacrta akta za koje se predlaže ispravak prilikom izrade konačnog teksta (na primjer o očitim pogreškama ili izostavcima u danoj jezičnoj verziji). Za predložene ispravke potrebna je suglasnost dotičnih tehničkih službi.

Zaglavlje svakog amandmana na postojeći akt koji se želi izmijeniti nacrtom akta sadrži i treći redak u kojem se navodi postojeći akt te četvrti redak u kojem se navodi odredba akta na koju se izmjena odnosi. Dijelovi teksta odredbe postojećeg akta koju Parlament želi izmijeniti, a koja je u nacrtu akta ostala nepromijenjena, označeni su ***podebljanim slovima***. Za moguća brisanja u tim dijelovima teksta koristi se oznaka [...].

## SADRŽAJ

### Stranica

NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA .....	5
ANNEX TO THE LEGISLATIVE RESOLUTION .....	45
STATEMENT BY THE EUROPEAN PARLIAMENT ON THE SUSPENSION OF ASSISTANCE GRANTED UNDER THE FINANCIAL INSTRUMENTS .....	45
DRAFT COMMISSION DECLARATION ON REFLAWS .....	46
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) .....	47
OPINION OF THE COMMITTEE ON DEVELOPMENT(*).....	48
OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE .....	81
OPINION OF THE COMMITTEE ON BUDGETS .....	90
POSTUPAK.....	107

(\*) Pridruženi odbor – članak 50. Poslovnika



## NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA

### o prijedlogu Uredbe Europskog parlamenta i Vijeća o uspostavi zajedničkih pravila i postupaka za provođenje instrumenata Unije za vanjsko djelovanje (COM(2011)0842 – C7-0494/2011 – 2011/0415(COD))

#### (Redovni zakonodavni postupak: prvo čitanje)

*Europski parlament,*

- uzimajući u obzir prijedlog Komisije upućen Europskom parlamentu i Vijeću (COM(2011)0842),
  - uzimajući u obzir članak 294. stavak 2. i članke 209. stavak 1. i 212. stavak 2. Ugovora o funkcioniranju Europske unije, u skladu s kojima je Komisija podnijela prijedlog Parlamentu (C7-0494/2011),
  - uzimajući u obzir članak 294. stavak 3. Ugovora o funkcioniranju Europske unije,
  - uzimajući u obzir mišljenje Odbora regija od 9. prosinca 2012<sup>1</sup>,
  - uzimajući u obzir da se predstavnik Vijeća pismom od 4. prosinca 2013. obvezao prihvatiti stajalište Europskog parlamenta u skladu s člankom 294. stavkom 4. Ugovora o funkcioniranju Europske unije,
  - uzimajući u obzir članak 55. Poslovnika,
  - uzimajući u obzir izvješće Odbora za vanjske poslove i mišljenja Odbora za razvoj, Odbora za međunarodnu trgovinu i Odbor za proračune (A7-0447/2013),
1. usvaja sljedeće stajalište u prvom čitanju;
  2. odobrava izjavu Parlamenta priloženu ovoj Rezoluciji;
  3. uzima u obzir izjave Komisije priložene ovoj Rezoluciji<sup>2</sup>;
  4. traži od Komisije da predmet ponovno uputi Parlamentu ako namjerava bitno izmijeniti svoj prijedlog ili ga zamijeniti drugim tekstom;
  5. nalaže svojem predsjedniku da stajalište Parlamenta proslijedi Vijeću, Komisiji i nacionalnim parlamentima.

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<sup>1</sup> SL C 391, 18.12.2012., str. 110.

<sup>2</sup> Očekuje se službeno odobrenje.

## Amandman 1

AMANDMANI EUROPSKOG PARLAMENTA \*

na prijedlog Komisije

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**UREDBA (EU) .../20..**  
**EUROPSKOG PARLAMENTA I VIJEĆA**

**od**

**o uspostavi zajedničkih pravila i postupaka  
za provedbu instrumenata Unije za vanjsko djelovanje**

EUROPSKI PARLAMENT I VIJEĆE EUROPSKE UNIJE,

uzimajući u obzir Ugovor o funkcioniranju Europske unije, a posebno njegov članak 209. stavak 1.  
te članak 212. stavak 2.,

uzimajući u obzir prijedlog *Europske* Komisije,

nakon prosljeđivanja nacrtu zakonodavnog akta nacionalnim parlamentima,

*uzimajući u obzir mišljenje Odbora regija* <sup>3</sup>,

u skladu s redovnim zakonodavnim postupkom <sup>4</sup>,

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\* Amandmani: novi ili izmijenjeni tekst označuje se podebljanim kurzivom; a brisani tekst oznakom **■**.

<sup>3</sup> SL C ...

<sup>4</sup> *Stajalište Europskog parlamenta od ... (još nije objavljeno u Službenom listu) i odluka Vijeća od ...*

budući da:

- (1) Europska unija trebala bi donijeti sveobuhvatni niz instrumenata koji obuhvaćaju niz politika u vezi s vanjskim djelovanjem, a za čiju je provedbu potrebno odrediti posebna zajednička pravila i postupke. Ti instrumenti su: Instrument za razvojnu suradnju („DCI”), Europski instrument za demokraciju i ljudska prava („EIDHR”), Europski instrument za susjedstvo („ENI”), Instrument za stabilnost („IfS”), ■ , Instrument pretpristupne pomoći („IPA II”) te Instrument za partnerstvo („PI”).
- (1a) Zajednički skup pravila i postupaka trebao bi biti usklađen s financijskim pravilima koja se primjenjuju na godišnji proračun Unije utvrđenima u Uredbi (EU, Euratom) br. 966/2012 Europskog parlamenta i Vijeća <sup>1</sup>(„Financijska uredba”), čije se upućivanje u svim slučajevima odnosi na najnoviju verziju te Uredbe koja je na snazi, uključujući odgovarajuća pravila o provedbi Financijske uredbe koja je donijela Komisija <sup>2</sup>.***

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<sup>2</sup> Uredba (EU, Euratom) br. 966/2012 Europskog parlamenta i Vijeća od 25. listopada 2012. o financijskim pravilima koja se primjenjuju na opći proračun Unije i o stavljanju izvan snage Uredbe Vijeća (EZ, Euratom) br. 1605/2002 (SL L 298, 26.10.2012.)

<sup>3</sup> Delegirana Uredba Komisije (EU) br.1268/2012 od 29. listopada 2012. o pravilima za primjenu Uredbe (EU, Euratom) br. 966/2012 Europskog parlamenta i Vijeća o financijskim pravilima koja se primjenjuju na opći proračun Unije (SL L 298, 31.12.2012.)

- (2) *Tim instrumentima iz uvodne izjave 1.* općenito je predviđeno da bi djelovanja koja se financiraju na temelju tih instrumenata trebala biti predmetom izrade višegodišnjeg okvirnog programa kojim se stvara okvir unutar kojeg se donose odluke o financiranju u skladu s Financijskom uredbom te u skladu s postupcima predviđenima Uredbom (EU) br. 182/2011 Europskog parlamenta i Vijeća <sup>4</sup>.
- (3) Odluke o financiranju trebale bi biti u obliku godišnjih ili višegodišnjih programa djelovanja i pojedinačnih mjera ako se slijedi planiranje predviđeno višegodišnjim okvirnim programiranjem, u obliku posebnih mjera u slučaju nepredviđenih i opravdanih potreba ili *okolnosti* te u obliku mjera potpore. *Mjere potpore mogu se donositi ili kao dio godišnjeg ili višegodišnjeg programa djelovanja ili izvan područja primjene okvirnih programskih dokumenata.*
- (3a) *Odluke o financiranju trebale bi sadržavati prilog s opisom svakog djelovanja u kojem su navedeni njegovi ciljevi, glavne aktivnosti, očekivani rezultati, načini provedbe, proračun i okvirni rokovi, sve pripadajuće mjere potpore i načini praćenja uspješnosti te bi ih trebalo odobriti u skladu s postupcima predviđenima Uredbom (EU) br. 182/2011.*

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<sup>4</sup> *Uredba br. 182/2011 Europskog parlamenta i Vijeća od 16. veljače 2011. o utvrđivanju pravila i općih načela u vezi s mehanizmima nadzora država članica nad izvršavanjem provedbenih ovlasti Komisije* (SL L 55, 28.2.2011., str. 13.)



(4) Uzimajući u obzir programiranje politike ili prirodu financijske provedbe tih provedbenih akata, a posebno njihove učinke na proračun, za njihovo donošenje trebalo bi koristiti postupak ispitivanja, osim u slučaju *pojedinačnih i posebnih* mjera u okviru *unaprijed određenih pragova*. Međutim, Komisija bi trebala donijeti provedbene akte koji se odmah primjenjuju kad, u opravdanim slučajevima u kojima je potrebna brza reakcija Unije, neodložne izvanredne okolnosti tako zahtijevaju. *O njima je potrebno obavijestiti Europski parlament, u skladu s relevantnim odredbama Uredbe (EU) br. 182/2011.*

(6) U svrhu provedbe financijskih instrumenata, kada je upravljanje tom aktivnošću povjereno financijskom posredniku, odluka Komisije trebala bi posebno obuhvaćati odredbe koje se odnose na dijeljenje rizika, *transparentnost*, naknadu za rad posrednika nadležnog za provedbu, upotrebu i ponovnu upotrebu sredstava te moguće dobiti *kao i obveze izvješćivanja i mehanizme nadzora, uzimajući u obzir relevantne odredbe Financijske uredbe.*

(6a) *Unija bi trebala tražiti najučinkovitiji način korištenja dostupnim resursima kako bi poboljšala učinak svojeg vanjskog djelovanja. To bi se trebalo postići kroz koherentnost i usklađenost instrumenata Unije za vanjsko djelovanje te stvaranjem sinergija između vanjskih financijskih instrumenata Unije i drugih politika Unije. To bi također trebalo obuhvaćati uzajamno jačanje programa izrađenih na temelju tih instrumenata i, ovisno o slučaju, korištenje financijskim instrumentima koji proizvode učinak poluge.*

- (6b) *Djelovanje Unije na međunarodnoj sceni trebalo bi biti vođeno načelima na kojima je utemeljeno njezino stvaranje, razvoj i proširenje, kako su sadržani u članku 21. Ugovora o Europskoj uniji, a koje ona nastoji promicati diljem svijeta, a posebno načelima demokracije, vladavine prava, univerzalnosti i nedjeljivosti ljudskih prava i temeljnih sloboda, poštovanja ljudskog dostojanstva, načelima jednakosti, solidarnosti i poštovanja načela Povelje Ujedinjenih naroda i međunarodnog prava.*
- (6c) *U skladu s obvezama Unije na trećem i četvrtom Forumu na visokoj razini o učinkovitosti pomoći (Akra, 2008. i Busan, 2011.) i preporukom Odbora za razvojnu pomoć Organizacije za gospodarsku suradnju i razvoj („OECD-DAC”) o aktiviranju službene razvojne pomoći (ODA) najmanje razvijenim zemljama i siromašnim zemljama s velikim dugovima, Komisija bi u najvećoj mogućoj mjeri trebala aktivirati pomoć Unije, uključujući pomoć za inovativne financijske mehanizme, te poticati sudjelovanje subjekata iz partnerskih zemalja u postupcima dodjele ugovora.*
- (6d) *Kako bi se osigurala vidljivost pomoći Unije građanima zemalja korisnica i građanima Unije, trebalo bi, prema potrebi, provoditi ciljanu komunikaciju i informiranje odgovarajućim sredstvima.*
- (6e) *Vanjsko djelovanje Unije u okviru instrumenata na koje se primjenjuje ova Uredba trebalo bi doprinijeti jasnim rezultatima (koji obuhvaćaju realizaciju, ishode i učinke) u zemljama koje ostvaruju korist od vanjske financijske pomoći Unije. Kad god je to primjereno i moguće, rezultati vanjskog djelovanja Unije i učinkovitost pojedinog instrumenta trebali bi se pratiti i procjenjivati na temelju pokazatelja koji su unaprijed utvrđeni, jasni, transparentni i, prema potrebi, specifični za pojedinu zemlju i mjerljivi te prilagođeni posebnostima i ciljevima svakog instrumenta.*

- (9) Financijski interesi Unije trebali bi se štititi proporcionalnim mjerama tijekom cjelokupnog ciklusa rashoda, uključujući sprečavanjem, otkrivanjem i ispitivanjem nepravilnosti, povratom izgubljenih sredstava, pogrešno isplaćenih ili nepravilno iskorištenih sredstava te, prema potrebi, novčanim kaznama. Te mjere trebale bi se provoditi u skladu s primjenjivim sporazumima sklopljenima s međunarodnim organizacijama i trećim zemljama.
- (10) ■ Trebalo bi utvrditi odredbe za načine financiranja, zaštitu financijskih interesa Unije, pravila o državljanstvu i podrijetlu te *ocjenu aktivnosti, izvješćivanje te pregled* i ocjenu instrumenata.
- (10a) *Ne dovodeći u pitanje mehanizme suradnje razvijene s organizacijama civilnog društva na svim razinama u skladu s člankom 11. Ugovora o Europskoj uniji, zainteresirane strane iz zemalja korisnica, uključujući organizacije civilnog društva i lokalna tijela vlasti, imaju važnu ulogu s obzirom na vanjsku politiku Unije. Tijekom postupka provedbe, osobito tijekom pripreme, provedbe, praćenja i ocjene mjera poduzetih na temelju ove Uredbe, važno je savjetovati se s njima kako bi se osiguralo da oni imaju značajnu ulogu u tom postupku te kako bi se u obzir uzele njihove posebnosti.*

- (10b) *U skladu s člankom 208., člankom 209. stavkom 3. i člankom 212. UFEU-a te na temelju uvjeta utvrđenih u svom statutu i u Odluci br. .../... Europskog parlamenta i Vijeća o dodjeli jamstva EU-a Europskoj investicijskoj banci za gubitke u okviru operacija financiranja kojima se podupiru investicijski projekti izvan Unije <sup>2</sup> \*, Europska investicijska banka (EIB) doprinosi provedbi mjera potrebnih za poticanje ciljeva razvoja Unije i drugih vanjskih politika, te intervenira u komplementarnosti s vanjskim instrumentima Unije. Trebalo bi iskoristiti mogućnost kombiniranja njezina financiranja s proračunskim sredstvima Unije. Tijekom postupka programiranja Unije prema potrebi se provode savjetovanja s EIB-om.*
- (10c) *Međunarodne organizacije i razvojne agencije uobičajeno surađuju s neprofitnim organizacijama kao provedbeni partneri te u opravdanim slučajevima možda moraju njima povjeriti zadaće u vezi s izvršenjem proračuna. Odstupajući od članka 58. stavka 1. točke (c) Financijske uredbe, u ovu Uredbu trebalo bi uključiti odredbe kojima se omogućuje povjeravanje tih zadaća neprofitnim organizacijama pod uvjetima istovjetnim onima koji se primjenjuju na Komisiju.*
- (10d) *Kako bi se povećala odgovornost partnerskih zemalja u pogledu njihovih razvojnih postupaka i održivosti vanjske pomoći te u skladu s obvezama učinkovitosti međunarodne pomoći koje su preuzele Unija i partnerske zemlje, Unija potiče, ako je to prikladno s obzirom na prirodu djelovanja, korištenje ustanova, sustava i postupaka partnerskih zemalja.*

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<sup>2</sup> Odluka br. .../... Europskog parlamenta i Vijeća o dodjeli jamstva EU-a Europskoj investicijskoj banci za gubitke u okviru operacija financiranja kojima se podupiru investicijski projekti izvan Unije (SL L ...)

\*. SL: umetnite broj u tekst, nadopunite naslov te umetnite datum i upućivanje na objavu SL-a u napomenu Uredbe u dokumentu 2011/0101 (COD).

- (10e) *U skladu s Europskim konsenzusom o razvoju i planom za učinkovitost međunarodne pomoći te kao što je naglašeno u Rezoluciji Europskog parlamenta od 5. srpnja 2011. o budućnosti proračunske potpore za zemlje u razvoju, Komunikaciji Komisije od 13. listopada 2011. pod nazivom „Povećanje učinka razvojne politike EU-a: plan za promjenu” i zaključcima Vijeća o budućem pristupu proračunskoj potpori EU-a za treće zemlje od 14. svibnja 2012., proračunska potpora učinkovito se koristi kao potpora smanjenju siromaštva i upotrebi nacionalnih sustava, za povećanje predvidljivosti pomoći i jačanje odgovornosti partnerskih zemalja za razvojne politike i reforme. Isplata predviđenih tranši proračuna trebala bi biti uvjetovana napretkom u postizanju ciljeva usuglašanih s partnerskim zemljama. U zemljama koje koriste tu vrstu financijske pomoći Unija podupire razvoj parlamentarnog nadzora, kapaciteta za reviziju, transparentnosti i javnog pristupa informacijama.*
- (10f) *Djelovanje Unije čiji je cilj unaprjeđenje načela demokracije i jačanje demokratizacije može se provesti, između ostalog, potporom organizacijama civilnog društva i neovisnim institucijama aktivnim u ovom području, poput Europske zaklade za demokraciju.*
- (10g) *Primjereno je uskladiti trajanje ove Uredbe s trajanjem Uredbe (EU) br. .../... Europskog parlamenta i Vijeća o utvrđivanju višegodišnjeg financijskog okvira za razdoblje 2014. – 2020.<sup>3</sup> \* Ova bi se Uredba stoga trebala primjenjivati od 1. siječnja 2014.*

- DONIJELI SU OVU UREDBU:

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<sup>3</sup> *Uredba (EU) br. .../... Europskog parlamenta i Vijeća od ... o utvrđivanju višegodišnjeg financijskog okvira za razdoblje 2014. – 2020. (SL L ...)*

\* SL: umetnite broj u tekst, nadopunite naslov te umetnite datum i upućivanje na objavu SL-a u napomenu Uredbe u dokumentu st11791/13 REV 7.

GLAVA I.  
PROVEDBA

Članak 1.

Predmet i načela

1. Ovom Uredbom uspostavljaju se pravila i uvjeti za pružanje financijske pomoći Unije za djelovanja, uključujući programe djelovanja i druge mjere, u okviru sljedećih instrumenata: Instrumenta za razvojnu suradnju („DCI”), Europskog instrumenta za demokraciju i ljudska prava („EIDHR”), Europskog instrumenta za susjedstvo („ENI”), Instrumenta za stabilnost („IfS”), ■ Instrumenta pretpristupne pomoći („IPA II”) te Instrumenta za partnerstvo („PI”), za koje se dalje u tekstu koristi zajednički naziv „instrumenti” i pojedinačni naziv „primjenjivi instrument”. ***Za potrebe ove Uredbe riječ „zemlje” također se prema potrebi odnosi i na državna područja i regije.***

**1.a** *Ova Uredba ne primjenjuje se na provedbu djelovanja kojima se financira program Erasmus + na temelju uredaba o IPA-i II<sup>4 \*\*\*</sup>, ENI-ju<sup>5 \*\*</sup>, DCI-ju<sup>6 \*</sup> i PI-ju<sup>7 \*\*\*\*</sup> i koja se provode u skladu s Uredbom (EU) br. .../... Europskog parlamenta i Vijeća o uspostavi programa „Erasmus +”<sup>8 \*\*\*\*\*</sup>, na temelju okvirnih programskih dokumenata iz primjenjivog instrumenta, istodobno osiguravajući uskladenost s tim uredbama.*

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<sup>4</sup> *Uredba (EU) br. .../... Europskog parlamenta i Vijeća od ... o uspostavi Instrumenta pretprijetne pomoći (IPA II) (SL L ...).*

\*\*\* **SL: umetnite broj u tekst, nadopunite naslov te umetnite datum i upućivanje na objavu SL-a u napomenu Uredbe u dokumentu 2011/0404 (COD).**

<sup>5</sup> *Uredba (EU) br. .../... Europskog parlamenta i Vijeća od ... o uspostavi Europskog instrumenta za susjedstvo (IPA II) (SL L ...).*

\*\* **SL: umetnite broj u tekst, nadopunite naslov te umetnite datum i upućivanje na objavu SL-a u napomenu Uredbe u dokumentu 2011/0405 (COD).**

<sup>6</sup> *Uredba (EU) br. .../... Europskog parlamenta i Vijeća od ... o uspostavi financijskog instrumenta za razvojnu suradnju (SL L ...).*

\* **SL: umetnite broj u tekst, nadopunite naslov te umetnite datum i upućivanje na objavu SL-a u napomenu Uredbe u dokumentu 2011/0406 (COD).**

<sup>7</sup> *Uredba (EU) br. .../... Europskog parlamenta i Vijeća od ... o uspostavi Instrumenta za partnerstvo za suradnju s trećim zemljama (SL L ...).*

\*\*\*\* **SL: umetnite broj u tekst, nadopunite naslov te umetnite datum i upućivanje na objavu SL-a u napomenu Uredbe u dokumentu 2011/0411 (COD).**

<sup>8</sup> *Uredba (EU) br. .../... Europskog parlamenta i Vijeća od ... o uspostavi programa „Erasmus +”: programa Unije za obrazovanje, osposobljavanje, mlade i sport i o stavljanju izvan snage odluka br. 1719/2006/EZ, br. 1720/2006/EZ i br. 1298/2008/EZ (SL L ...).*

\*\*\*\*\* **SL: umetnite broj u tekst, nadopunite naslov te umetnite datum i upućivanje na objavu SL-a u napomenu Uredbe u dokumentu PE-CONS 63/13.**

2. Komisija je dužna osigurati da se djelovanja provode u skladu s ciljevima primjenjivog instrumenta te u skladu s učinkovitom zaštitom financijskih interesa Unije. Financijska pomoć pružena na temelju instrumenata mora biti usklađena s pravilima i postupcima utvrđenima u Financijskoj uredbi u kojoj je naveden osnovni financijski i pravni okvir za njihovu provedbu. ■
3. Prilikom primjene ove Uredbe Komisija ***koristi najučinkovitije i najdjelotvornije načine provedbe. Kad*** je to moguće i prikladno s obzirom na narav djelovanja, ***Komisija također daje prednost upotrebi najjednostavnijih*** postupaka ■.
- 3.a ***Uzimajući u obzir ono što je navedeno u gornjem tekstu, prilikom primjene ove Uredbe Komisija daje prednost upotrebi sustava partnerskih zemalja kada je to moguće i prikladno s obzirom na prirodu djelovanja.***
- 3.b ***Unija nastoji promicati, razvijati i učvrstiti načela demokracije, vladavine prava i poštovanja ljudskih prava i temeljnih sloboda na kojima je i sama ustanovljena, na temelju, prema potrebi, dijaloga i suradnje s partnerskim zemljama i regijama. Unija uključuje ta načela u provedbu instrumenata obuhvaćenih ovom Uredbom.***



## Članak 2.

Donošenje programa djelovanja, pojedinačnih mjera i posebnih mjera

1. Komisija donosi godišnje **█** programe djelovanja na temelju okvirnih programskih dokumenata iz *relevantnog* instrumenta, *prema potrebi*. ***Komisija može donijeti i višegodišnje programe djelovanja u skladu s člankom 6. stavkom 1. točkom (c).***

***U programima djelovanja za svako djelovanje navode se njegovi ciljevi, očekivani rezultati i glavne aktivnosti, načini provedbe, proračun i okvirni rokovi, sve pripadajuće mjere potpore i načini praćenja uspješnosti.***

***Prema potrebi, djelovanje se može donijeti u obliku pojedinačne mjere prije ili nakon donošenja godišnjih ili višegodišnjih programa djelovanja.***

U slučaju nepredviđenih i opravdanih potreba *ili* okolnosti *te ako se ne mogu financirati iz primjerenijih izvora*, Komisija može donijeti posebne mjere koje nisu predviđene u okvirnim programskim dokumentima, *uključujući* kako bi olakšala prijelaz s pomoći u hitnim slučajevima na operacije dugoročnog razvoja *ili* mjere kojima je cilj učinkovitije pripremiti ljude na suočavanje s krizama koje se ponavljaju.

2. Programi djelovanja te pojedinačne *i posebne* mjere predviđene u stavku 1. ovog članka **█** donose se u skladu s postupkom ispitivanja iz članka 15. stavka 2.

**2.a** Postupak *iz stavka 2. ovog članka* ne zahtijeva se za:

- (a) *pojedinačne mjere za koje financijska pomoć Unije ne prelazi 5 milijuna EUR;*
- (b) *posebne mjere za koje financijska pomoć Unije ne prelazi 10 milijuna EUR;*

(c) tehničke izmjene godišnjih programa djelovanja, pojedinačnih i posebnih mjera.

*Tehničke izmjene su prilagodbe, poput:*

*i. produženja razdoblja provedbe;*

*ii. preraspodjele sredstava između djelovanja obuhvaćenih godišnjim ili višegodišnjim programima djelovanja;*

*ili*

*iii. povećanja ili smanjenja proračuna godišnjih ili višegodišnjih programa djelovanja, pojedinačnih ili posebnih mjera za najviše 20 % prvotnog proračuna, ne premašujući 10 milijuna EUR;*

*pod uvjetom da te izmjene ne utječu znatno na ciljeve određene mjere.*

*Mjere donesene na temelju ovog stavka priopćuju se Europskom parlamentu i državama članicama putem relevantnog odbora iz članka 16. u roku od mjesec dana od njihova donošenja.*

**2.b** *Stavci 1., 2. i 2.a koji se odnose na programe djelovanja i pojedinačne mjere ne primjenjuju se na prekograničnu suradnju u vezi s Europskim instrumentom za susjedstvo.*

3. U slučaju opravdanih neodložnih izvanrednih okolnosti poput kriza **■** ili **neposrednih** prijetnji demokraciji, vladavini prava, ljudskim pravima ili temeljnim slobodama, Komisija može donijeti **pojedinačne ili posebne mjere ili** izmjene postojećih programa djelovanja i mjera u skladu s postupkom iz članka 15. stavka 3.

4. Odgovarajuća analiza okoliša, uključujući analizu utjecaja na klimatske promjene i biološku raznolikost, poduzima se na razini projekta, **u skladu s važećim zakonodavstvom i odredbama Direktive 2011/92/EU Europskog parlamenta i Vijeća od 13. prosinca 2011. o procjeni učinaka određenih javnih i privatnih projekata na okoliš<sup>9</sup> i Direktive Vijeća 85/337/EEZ o procjeni utjecaja na okoliš<sup>10</sup>**, uključujući, kad je primjenjivo, procjenu utjecaja na okoliš (EIA) ekološki osjetljivih projekata, posebno u slučaju velike nove infrastrukture. Ako je to relevantno, strateške procjene utjecaja na okoliš (SEA) koriste se pri provedbi sektorskih programa. Mora se osigurati sudjelovanje zainteresiranih strana u procjenama utjecaja na okoliš te javni pristup **njihovim** rezultatima.
- 4.a Pri izradi i provedbi programa i projekata uzimaju se u obzir kriteriji u pogledu pristupa za osobe s invaliditetom.**

### Članak 3.

#### Mjere potpore

1. Financiranje Unije može pokrivati troškove provedbe instrumenata te postizanja njihovih ciljeva, uključujući administrativnu podršku u vezi s pripremnim aktivnostima, popratnim aktivnostima, praćenjem, revizijom i aktivnostima ocjenjivanja izravno potrebnu za takvu provedbu, kao i troškove u delegacijama Unije u vezi s administrativnom podrškom potrebnom za upravljanje operacijama koje se financiraju iz instrumenata.

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<sup>9</sup> **Direktiva Vijeća 85/337/EEZ od 27. lipnja 1985. o procjeni učinaka određenih javnih i privatnih projekata na okoliš (SL L 175, 5.7.1985., str. 40.)**

<sup>10</sup> **Direktiva 2011/92/EU Europskog parlamenta i Vijeća od 13. prosinca 2011. o procjeni učinaka određenih javnih i privatnih projekata na okoliš (SL L 26, 28.1.2012., str. 1.)**

2. Pod uvjetom da su aktivnosti navedene u točkama (a), (b) i (c) povezane s općim ciljevima primjenjivog instrumenta provedenog putem djelovanja, financiranjem Unije mogu se pokrivati:
- (a) troškovi studija, sastanaka, informiranja, osvještavanja, osposobljavanja, ***pripreme i razmjene stečenih iskustava i najbolje prakse***, aktivnosti objavljivanja i bilo koji drugi administrativni rashodi ili troškovi tehničke pomoći potrebni za upravljanje djelovanjima;
  - (b) troškovi aktivnosti istraživanja i studija o relevantnim pitanjima te troškovi njihova širenja;
  - (c) rashodi u vezi s pružanjem informacija i aktivnostima komunikacije, uključujući ***razvoj komunikacijskih strategija i*** institucionalnu komunikaciju političkih prioriteta Unije.
3. Mjere potpore mogu se financirati izvan okvira okvirnih programskih dokumenata. Kad je primjenjivo, Komisija donosi mjere potpore u skladu s postupkom ***ispitivanja*** iz članka 15. stavka 3.

***Postupak ispitivanja ne primjenjuje se na donošenje mjera potpore za koje financijska pomoć Unije ne prelazi 10 milijuna EUR.***

***Mjere potpore za koje financijska pomoć Unije ne prelazi 10 milijuna EUR priopćuju se Europskom parlamentu i državama članicama putem relevantnog odbora iz članka 15. u roku od mjesec dana od njihova donošenja.***

## GLAVA II.

### Odredbe o načinima financiranja

#### Članak 4. Opće odredbe o financiranju

1. Financijska pomoć Unije može se pružiti ■ putem ■ načina financiranja predviđenih Financijskom uredbom, **a posebno putem:**

- (a) bespovratnih sredstava;
- (b) ugovora o nabavi za usluge, robu ili radove;
- (c) **općenite ili sektorske** proračunske potpore;

*Proračun Unije temelji se na uzajamnoj odgovornosti i zajedničkoj predanosti jedinstvenim vrijednostima te mu je cilj jačanje ugovornih partnerstava između Unije i partnerskih zemalja kako bi se promicala demokracija, ljudska prava i vladavina prava, podupirao održivi i uključivi gospodarski razvoj te iskorijenilo siromaštvo.*

*Svaka odluka o pružanju proračunske potpore temelji se na politikama proračunske potpore usuglašenima od strane Unije, jasnom skupu kriterija prihvatljivosti i pomnoj procjeni rizika i koristi.*

*Jedna od ključnih odrednica ove odluke jest procjena predanosti, evidencije i napretka partnerskih zemalja s obzirom na demokraciju, ljudska prava i vladavinu prava.*

*Proračunska potpora razlikuje se kako bi se pružio bolji odgovor na politički, gospodarski i socijalni kontekst partnerske zemlje, uzimajući u obzir stanja nestabilnosti.*

*Pri pružanju ove vrste financijske pomoći u skladu s člankom 186. Financijske uredbe, Komisija jasno definira i prati njezinu uvjetovanost te podupire razvoj parlamentarnog nadzora i kapaciteta za reviziju te povećava transparentnost i javni pristup informacijama. Isplata proračunske potpore uvjetovana je zadovoljavajućim napretkom u postizanju ciljeva usuglašenih s partnerskom zemljom.*

- (d) doprinosa uzajamnim fondovima koje je uspostavila Komisija, *u skladu s člankom 187. Financijske uredbe;*
- (e) financijskih instrumenata poput zajmova, jamstava, vlasničkog ili kvazivlasničkog kapitala, ulaganja ili sudjelovanja te instrumenata za dijeljenje rizika, *gdje god je to moguće pod vodstvom Europske investicijske banke u skladu s njezinim vanjskim mandatom* <sup>115</sup>, *multilateralne europske financijske institucije poput Europske banke za obnovu i razvoj ili bilateralne europske financijske institucije, npr. bilateralnih banaka za razvoj, moguće u kombinaciji s dodatnim bespovratnim sredstvima iz drugih izvora.*

*Svaki subjekt kojem je povjerena provedba financijskih instrumenata Unije iz gore navedene točke (e) ispunjava zahtjeve financijske uredbe i poštuje ciljeve, standarde i politike Unije te najbolju praksu s obzirom na upotrebu fondova Unije i izvješćivanje o njima.*

*Financijski instrumenti mogu se grupirati u mehanizme za potrebe provedbe i izvješćivanja.*

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<sup>5</sup> *Odluka br. 1080/2011/EU Europskog parlamenta i Vijeća o dodjeli jamstva EU-a Europskoj investicijskoj banci za gubitke po zajmovima i jamstvima za projekte izvan Europske unije* i o stavljanju izvan snage Odluke br. 633/2009/EZ (SL L 280, 27.10.2011., str. 1.).

Financijska pomoć Unije također može biti pružena, u skladu s Financijskom uredbom, u obliku doprinosa međunarodnim, regionalnim ili nacionalnim fondovima, poput fondova koje su uspostavili ili kojima upravljaju Europska investicijska banka, ▯ države članice ili partnerske zemlje i regije *ili međunarodne organizacije* kako bi se potaklo zajedničko financiranje većeg broja donatora ili u obliku doprinosa fondovima koje je uspostavio jedan ili više donatora za potrebe zajedničke provedbe projekata.

▯

- 1.a Potiče se, prema potrebi, uzajamni pristup financijskih institucija Unije financijskim instrumentima koje su uspostavile druge organizacije.*
- 1.b Kod pružanja financijske pomoći iz stavka 1. Komisija, prema potrebi, poduzima sve potrebne mjere kako bi osigurala vidljivost financijske potpore Unije. To uključuje mjere kojima se uvode zahtjevi u pogledu vidljivosti za primatelje sredstava Unije, osim u opravdanim slučajevima. Komisija je odgovorna za nadzor njihovog poštovanja tih zahtjeva.*

*1.c Svi prihodi generirani jednim financijskim instrumentom dodjeljuju se odgovarajućem financijskom instrumentu kao unutarnji namjenski prihod. Svakih pet godina Komisija ispituje doprinos postizanju ciljeva Unije i učinkovitost postojećih financijskih instrumenata.*

2. Financijsku pomoć Unije provodi Komisija kako je predviđeno u Financijskoj uredbi, izravno putem odjela Komisije, delegacija Unije te izvršnih agencija, ***zajedničkim upravljanjem s državama članicama*** ili neizravno na način da se zadaće u vezi s izvršenjem proračuna povjeravaju subjektima navedenima u Financijskoj uredbi. ***Ti subjekti osiguravaju usklađenost s vanjskom politikom EU-a i mogu povjeriti zadaće u vezi s izvršenjem proračuna drugim subjektima pod uvjetima istovjetnim onima koji se primjenjuju na Komisiju.***

***Oni na godišnjoj osnovi ispunjavaju svoju obvezu na temelju članka 60. stavka 5. Financijske uredbe. Mišljenje revizora podnosi se, prema potrebi, u roku od mjesec dana od izvješća i izjave o upravljanju te se treba uzeti u obzir u jamstvu Komisije.***

***Međunarodne organizacije iz članka 58. stavka 1. točke (c) podtočke ii. Financijske uredbe te tijela država članica iz članka 58. stavka 1. točke (c) podtočaka v. i vi.***

***Financijske uredbe kojima je Komisija povjerila zadaće također mogu povjeriti zadaće u vezi s izvršenjem proračuna neprofitnim organizacijama koje posjeduju odgovarajuće operativne i financijske kapacitete, pod uvjetima istovjetnim onima koji se primjenjuju na Komisiju.***



***Za subjekte koji udovoljavaju kriterijima iz članka 60. stavka 2. Financijske uredbe smatra se da udovoljavaju kriterijima odabira iz članka 139. Financijske uredbe.***

3. Oblici financiranja iz stavka 1. ***ovog članka*** i članka 6. stavka 1. te načini provedbe iz ***stavka 1.b ovog članka*** odabiru se na temelju njihove mogućnosti postizanja posebnih ciljeva djelovanja i ***njihove mogućnosti postizanja rezultata***, uzimajući u obzir ***posebice*** troškove kontrola, administrativno opterećenje i očekivani rizik nesukladnosti. U slučaju bespovratnih sredstava, to uključuje uzimanje u obzir korištenja paušalnih iznosa, jedinstvenih stopa i troškova po jedinici.
4. Djelovanja koja se financiraju na temelju instrumenata mogu se provoditi uz usporedno i zajedničko sufinanciranje.

U slučaju usporednog sufinanciranja, djelovanje se dijeli na više jasno određenih komponenti od kojih svaku komponentu financiraju različiti partneri koji pružaju sufinanciranje na način da se stvarna svrha financiranja uvijek može odrediti.

U slučaju zajedničkog sufinanciranja, ukupni trošak djelovanja dijele partneri koji pružaju sufinanciranje, a sredstva su udružena na način da više nije moguće odrediti izvor financiranja za bilo koju aktivnost poduzetu u sklopu djelovanja. ***U takvim slučajevima ex post objava ugovora o nabavi i bespovratnim sredstvima kako je predviđena člankom 35. Financijske uredbe u skladu je s pravilima subjekta kojem je povjerena zadaća izvršenja proračuna, ako postoji.***

5. Uz mogućnost korištenja oblika financiranja iz stavka 1. **ovog članka** ili članka 6. stavka 1., suradnja između Unije i njezinih partnera može, između ostaloga, poprimiti sljedeće oblike:

- (a) trostrani aranžmani pomoću kojih Unija u suradnji s trećim *zemljama* koordinira svoju pomoć partnerskoj zemlji ili regiji;
- (b) mjere administrativne suradnje poput uske suradnje javnih ustanova, tijela lokalne vlasti, nacionalnih javnih tijela ili subjekata uređenih privatnim pravom zaduženih za pružanje javnih usluga u pojedinoj državi članici i tijela u partnerskoj zemlji ili regiji, kao i mjere suradnje u kojima sudjeluju stručnjaci iz javnog sektora u državama članicama te njihova tijela regionalne i lokalne vlasti;
- (c) doprinosi troškovima potrebni za uspostavu i upravljanje javno-privatnim partnerstvom; ■
- (d) programi potpore sektorske politike putem kojih Unija pruža potporu sektorskom programu partnerske zemlje;
- (e) u slučaju instrumenata IPA II i ENI, doprinosi sudjelovanju zemalja u programima i agencijama Unije;
- (f) *subvencije kamatnih stopa;*
- (g) *financiranje putem dodjele bespovratnih sredstava agencijama EU-a.*

- 5.a** *U radu sa zainteresiranim stranama iz zemalja korisnica, Komisija uzima u obzir njihove posebnosti, uključujući potrebe i kontekst prilikom definiranja modaliteta financiranja, vrsta doprinosa, modaliteta dodjele i administrativnih odredaba za upravljanje bespovratnim sredstvima kako bi se doprlo do najšireg mogućeg raspona tih zainteresiranih strana i najbolje odgovorilo na njihove potrebe. Potiču se posebni modaliteti u skladu s Financijskom uredbom kao što su sporazumi o partnerstvu, odobrenja za decentralizirano financiranje (subgranting), pozivi na podnošenje prijedloga s izravnim dodjeljivanjem ili ograničenjima u pogledu prihvatljivosti ili paušalni iznosi.*
- 5.b** *Unija se prilikom provedbe svoje potpore tranziciji i reformama u partnerskim zemljama, prema potrebi, oslanja na iskustva država članica i stečena znanja te ih dijeli.*

#### Članak 5.

##### Porezi, pristojbe i davanja

Pomoć Unije ne smije ■ generirati ili aktivirati ubiranje posebnih poreza, pristojbi ili davanja.

Kad je primjenjivo, s *trećim* zemljama dogovaraju se odgovarajuće odredbe kako bi djelovanja kojima se provodi financijska pomoć Unije bila oslobođena od plaćanja poreza, carina i ostalih fiskalnih davanja. U suprotnom takvi porezi, pristojbe i davanja podliježu plaćanju na temelju uvjeta utvrđenih u Financijskoj uredbi.

#### Članak 6.

##### Opće odredbe o financiranju

1. Uz oblike financiranja iz članka 4. stavka 1. financijsku pomoć Unije na temelju sljedećih instrumenata također je moguće pružiti u skladu s Financijskom uredbom putem sljedećih oblika financiranja:
  - (a) u okviru instrumenata DCI i ENI, otpis dugova na temelju međunarodno dogovorenih programa otpisa dugova;

- (b) u okviru instrumenata DCI i IfS, u iznimnim slučajevima sektorski i opći programi uvoza, koji mogu poprimiti sljedeće oblike:
- i. sektorski programi uvoza u naravi;
  - ii. sektorski programi uvoza u obliku deviznih sredstava u svrhu financiranja uvoza u određenom sektoru ili
  - iii. opći programi uvoza u obliku deviznih sredstava u svrhu financiranja općeg uvoza širokog spektra proizvoda;
- (c) na temelju instrumenta EIDHR izravna dodjela:
- i. bespovratnih sredstava male vrijednosti braniteljima ljudskih prava u svrhu financiranja hitnih aktivnosti zaštite, ***tamo gdje je prikladno bez potrebe za sufinanciranjem;***
  - ii. bespovratnih sredstava ***tamo gdje je prikladno bez potrebe za sufinanciranjem*** za financiranje djelovanja u najtežim uvjetima ili situacijama utvrđenima u članku 2. stavku 4. instrumenta EIDHR u kojima bi objava poziva za podnošenje prijedloga bila neprikladna. Takva bespovratna sredstva ne prelaze ***1 000 000 EUR*** te traju najviše 18 mjeseci, a taj je rok moguće produžiti za dodatnih ***12*** mjeseci u slučaju realnih i nepredviđenih prepreka njihovu provođenju;
  - iii. bespovratnih sredstava namijenjenih:
    - Uredu Visokog povjerenika UN-a za ljudska prava;
    - Europskom međusveučilišnom centru za ljudska prava i demokratizaciju koji organizira program europskoga magisterija iz područja ljudskih prava i demokratizacije te program stipendija EU-UN i njegovoj povezanoj mreži sveučilišta s poslijediplomskim programima iz područja ljudskih prava, ***uključujući stipendije za studente i branitelje ljudskih prava iz trećih zemalja.***

**1.a** U sklopu instrumenata IPA II i ENI, programi prekogranične suradnje provode se posebno zajedničkim upravljanjem s državama članicama ili neizravnim upravljanjem s trećim zemljama ili međunarodnim organizacijama. Detaljna pravila utvrđuju se u provedbenim aktima donesenima na temelju instrumenata IPA II i ENI.

**1.b** Komisija može donijeti višegodišnje programe djelovanja:

(a) za razdoblje do tri godine u slučaju djelovanja koja se ponavljaju

(b) za razdoblje do sedam godina u okviru instrumenta IPA II.

*U slučaju višegodišnjih obveza, oni sadrže odredbe u kojima se navodi da su obveze za godine, osim za prvu godinu, okvirne i ovise o budućim godišnjim proračunima Unije.*

**1.c** Za djelovanja u sklopu instrumenata IPA i ENI koje traju više od jedne financijske godine proračunske obveze moguće je raspodijeliti na godišnje obroke u trajanju od nekoliko godina.

*U tim slučajevima, osim ako primjenjiva pravila određuju drugačije, Komisija opoziva svaki dio proračunskog izdvajanja za operativni program koji, do 31. prosinca pete godine nakon proračunske obveze, nije iskorišten za pretfinanciranje ili privremena plaćanja ili za koji subjekt kojem su povjerene zadaće izvršenja proračuna nije predstavio ovjerene izjave o izdacima ili zahtjev za isplatu.*

**1.d** *Pravila u svezi prekogranične suradnje u sklopu instrumenta IPA II provedene pod zajedničkim upravljanjem s državama članicama u skladu su s pravilima Uredbe (EU) br. ... Europskog parlamenta i Vijeća<sup>1</sup> \* i Uredbe (EU) br. ... Europskog parlamenta i Vijeća<sup>2</sup> \*\*.*

#### Članak 7.

##### Zaštita financijskih interesa Unije

1. Komisija poduzima odgovarajuće mjere kojima **osigurava** da, prilikom provedbe djelovanja koja se financiraju u skladu s ovom Uredbom, financijski interesi Unije budu zaštićeni primjenom mjera sprečavanja prijevare, korupcije ili drugih nezakonitih aktivnosti djelotvornim provjerama te, ako se otkriju nepravilnosti, povratom ili, prema potrebi, vraćanjem pogrešno isplaćenih iznosa, **te, prema** potrebi učinkovitim, proporcionalnim i **odvraćajućim administrativnim i financijskim** kaznama.
2. Komisija **ili njezini predstavnici** i Revizorski sud imaju ovlasti revizije **ili, u slučaju međunarodnih organizacija, ovlasti provjere u skladu sa sporazumima koje su njima sklopili**, na temelju dokumenata te na terenu, nad svim korisnicima bespovratnih sredstava, svim ugovarateljima i podugovarateljima koji su primili financijska sredstva Unije **na temelju ove Uredbe**.

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<sup>1</sup> *Uredba (EU) br. .../2013 Europskog parlamenta i Vijeća od ... o utvrđivanju određenih zajedničkih odredbi o Europskom fondu za regionalni razvoj, Europskom socijalnom fondu, Kohezijskom fondu, Europskom poljoprivrednom fondu za ruralni razvoj i Europskom fondu za pomorstvo i ribarstvo o utvrđivanju općih odredbi o Europskom fondu za regionalni razvoj, Europskom socijalnom fondu i Kohezijskom fondu te o stavljanju izvan snage Uredbe Vijeća (EZ) br. 1083/2006 (SL L ...)*

\* SL: umetnite broj u tekst te nadopunite naslov i umetnite datum i upućivanje na objavu SL-a u napomenu Uredbe u dokumentu PE-CONS 85/13.

<sup>2</sup> *Uredba (EU) br. .../2013 Europskog parlamenta i Vijeća od ... o posebnim odredbama za potporu Europskog fonda za regionalni razvoj cilju „Europska teritorijalna suradnja” (SL L ...)*

\*\* SL: umetnite broj u tekst te nadopunite naslov i umetnite datum i upućivanje na objavu SL-a u napomenu Uredbe u dokumentu PE-CONS 81/13.

3. Europski ured za borbu protiv *prijevvara* (OLAF) ovlašten je za provođenje *istraga, uključujući* provjere na terenu i inspekcije, u skladu s *odredbama i* postupcima utvrđenima *Uredbom (EZ, Euratom) br. 883/2013 Europskog parlamenta i Vijeća od 11. rujna 2013. o istragama koje provodi Europski ured za borbu protiv prijevvara (OLAF)* <sup>3</sup> i *Uredbom Vijeća (Euratom, EZ) br. 2185/96 od 11. studenoga 1996. o provjerama i inspekcijama na terenu koje provodi Komisija s ciljem zaštite financijskih interesa Europskih zajednica od prijevvara i ostalih nepravilnosti* <sup>4</sup> kako bi se utvrdilo je li došlo do prijevare, korupcije ili bilo koje druge nezakonite aktivnosti koja utječe na financijske interese Unije u vezi s ugovorom o dodjeli bespovratnih sredstava ili odlukom o dodjeli bespovratnih sredstava ili ugovorom koji je financiran u okviru ove Uredbe.
4. Ne dovodeći u pitanje stavke 1., 2. i 3., *sporazumi o suradnji* s trećim zemljama i međunarodnim organizacijama, *ugovori*, sporazumi i odluke o bespovratnim sredstvima, koji su rezultat provedbe ove Uredbe, *sadrže odredbe* kojima se izričito *ovlašćuju* Komisija, Revizorski sud i OLAF za provedbu takvih revizija, provjera i inspekcija na terenu *u skladu s njihovim nadležnostima*.

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<sup>3</sup> *Uredba (EU, Euratom) br. 883/2013 Europskog parlamenta i Vijeća od 11. rujna 2013. o istragama koje provodi Europski ured za borbu protiv prijevvara (OLAF) i stavljanju izvan snage Uredbe (EZ) br. 1073/1999 Europskog parlamenta i Vijeća te Uredbe Vijeća (Euratom) br. 1074/1999 (SL L 248, 18.9.2013., str. 1.).*

<sup>4</sup> *Uredba Vijeća (Euratom, EZ) br. 2185/96 od 11. studenoga 1996. o provjerama i inspekcijama na terenu koje provodi Komisija s ciljem zaštite financijskih interesa Europskih zajednica od prijevvara i ostalih nepravilnosti (SL L 292, 15.11.1996., str.2.).*

### GLAVA III.

## PRAVILA O DRŽAVLJANSTVU I PORIJEKLU KOJA SE ODOSE NA JAVNU NABAVU, BESPOVRATNA SREDSTVA I OSTALI POSTUPCI DODJELE UGOVORA O JAVNOJ NABAVI

### Članak 8.

#### Zajednička pravila

1. Sudjelovanje u dodjeli ugovora o nabavi i bespovratnih sredstava te drugim postupcima dodjele za djelovanja koja se financiraju na temelju ove Uredbe u korist trećih strana dostupno je svim fizičkim osobama koje su državljani države koja ispunjava uvjete te pravnim osobama s poslovnim nastanom u državi koja ispunjava uvjete kako je za primjenjivi instrument utvrđeno u sljedećim člancima ove glave, a također je dostupno međunarodnim organizacijama.

*Pravne osobe mogu uključivati organizacije civilnog društva, uključujući nevladine neprofitne organizacije i neovisna politička udruženja, organizacije koje djeluju u zajednici te neprofitne agencije, ustanove i organizacije u privatnom sektoru i njihove mreže na lokalnoj, nacionalnoj, regionalnoj i međunarodnoj razini.*

2. U slučaju djelovanja koja se *zajednički sufinanciraju* s partnerom *ili drugim donatorom* ili provode putem *države članice zajedničkim upravljanjem* ili  putem uzajamnog fonda koji je uspostavila Komisija , zemlje koje ispunjavaju uvjete na temelju pravila tog *partnera, drugog donatora ili države članice* ili su navedene u osnivačkom aktu fonda, *također* ispunjavaju uvjete.

*U slučaju djelovanja provedenih putem jednog od tijela kojem su povjerene zadaće izvršenja proračuna neizravnim upravljanjem u sklopu kategorija navedenih u članku 58. stavku 1. točki (c) podtočkama od ii. do viii. Financijske uredbe, zemlje koje ispunjavaju uvjete u skladu s pravilima tog tijela također ispunjavaju uvjete.*



3. U slučaju djelovanja koja se financiraju jednim od instrumenata i dodatno drugim instrumentom vanjskog djelovanja, uključujući Europski fond za razvoj, **smatra se** da zemlje navedene u sklopu bilo kojeg od tih instrumenata ispunjavaju uvjete za potrebe tog djelovanja.

*U slučaju djelovanja globalne, regionalne ili prekogranične prirode koja se financiraju jednim od instrumenata, može se smatrati da zemlje, državna područja i regije obuhvaćene tim djelovanjem ispunjavaju uvjete za potrebe tog djelovanja.*

4. Sva roba **kupljena** u okviru ugovora o nabavi ili u skladu sa sporazumom o dodjeli bespovratnih sredstava, financirana na temelju ove Uredbe, potječe iz zemlje koja ispunjava uvjete. Međutim, ta roba može potjecati iz bilo koje zemlje **ako je količina robe koja se kupuje ispod praga** za korištenje konkurentnog pregovaračkog postupka. **Za potrebe ove Uredbe pojam „podrijetlo” definiran je u članku 23. i 24. Uredbe Vijeća (EEZ) br. 2913/92<sup>5</sup> te u drugom zakonodavstvu Zajednice kojim se uređuje nepovlašteno podrijetlo.**

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<sup>5</sup> Uredba Vijeća (EEZ) br. 2913/92 od 12. listopada 1992. o Carinskom zakoniku Zajednice (SL L 302, 19.12.1992., str.1.).

5. Pravila na temelju ove glave ne primjenjuju se i ne stvaraju ograničenja s obzirom na državljanstvo za fizičke osobe koje je zaposlio ili koje su ugovorom vezane uz ugovaratelja koji ispunjava uvjete ili, kad je primjenjivo, podugovaratelja.
- 5.a *U svrhu promicanja lokalnih kapaciteta, tržišta i kupnji, prioritet se daje lokalnim i regionalnim ugovarateljima ako je Financijskom uredbom predviđena dodjela na temelju jedne ponude. U svim drugim slučajevima sudjelovanje lokalnih i regionalnih ugovaratelja potiče se u skladu s relevantnim odredbama Financijske uredbe.*
7. *Ispunjavanje uvjeta*, kako je utvrđeno u ovoj glavi, može biti ograničeno s obzirom na državljanstvo, lokalizaciju ili narav podnositelja zahtjeva, ovisno o *posebnoj* naravi i ciljevima djelovanja te ako je to potrebno radi učinkovite provedbe tog djelovanja. Takva ograničenja mogu se posebice primjenjivati na sudjelovanje u postupcima dodjele u slučaju djelovanja u vezi s *prekograničnom suradnjom*.
8. Fizičke i pravne osobe kojima su dodijeljeni ugovori dužni su poštovati mjerodavno zakonodavstvo o okolišu, uključujući multilateralne sporazume o okolišu te međunarodno dogovorene temeljne standarde rada .

#### Članak 9.

##### *Ispunjavanje uvjeta za* instrumente DCI, ENI i PI **█**

1. Ponuditelji, podnositelji zahtjeva i natjecatelji iz sljedećih zemalja ispunjavaju uvjete za financiranje u okviru instrumenata DCI, ENI i PI **█** :

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<sup>6</sup>█ Temeljni standardi rada Međunarodne organizacije rada (ILO), konvencije o slobodi udruživanja i kolektivnog pregovaranja, ukidanju prisilnog i prinudnog rada, ukidanju diskriminacije glede zapošljavanja i zanimanja te iskorjenjivanju dječjeg rada

- (a) države članice, *korisnici navedeni u Prilogu I.* instrumentu *IPA II*, i članice Europskoga gospodarskog prostora;
- (b) u slučaju instrumenta ENI, partnerske zemlje obuhvaćene instrumentom ENI te Ruska Federacija kada se relevantni postupak odvija u kontekstu programa suradnje koji obuhvaćaju više zemalja i prekograničnih programa suradnje u kojima ona sudjeluje;
- (c) zemlje i područja u razvoju, *kako su navedeni u popisu primatelja službene razvojne pomoći OECD-DAC-a*, a koji nisu članice skupine G-20 **■** te prekomorskih zemalja i državnih područja obuhvaćenih Odlukom Vijeća 2001/822/EZ <sup>6</sup>;
- (d) zemlje u razvoju *kako su navedene u popisu primatelja službene razvojne pomoći OECD-DAC-a* koje su članice skupine G-20 te druge zemlje i državna područja ako su korisnici djelovanja koje financira Unija na temelju instrumenata obuhvaćenih ovim člankom;
- (e) zemlje kojima je Komisija omogućila uzajaman pristup vanjskoj pomoći. Uzajaman pristup moguće je dodijeliti, u ograničenom razdoblju od najmanje godine dana, kada zemlja ravnopravno prizna ispunjavanje uvjeta subjektima iz Unije te iz zemalja koje ispunjavaju uvjete na temelju instrumenata obuhvaćenih ovim člankom. Komisija odlučuje o uzajamnom pristupu i njegovu trajanju u skladu sa savjetodavnim postupkom iz članka 15. stavka 2. te nakon savjetovanja s određenom zemljom ili zemljama primateljicama i
- (f) države članice OECD-a **■** u slučaju ugovora koji se provode u najmanje razvijenoj zemlji ili *visoko zaduženoj siromašnoj zemlji (HIPC) kako su navedene u popisu korisnika službene razvojne pomoći OECD-DAC-a* koji je objavio OECD-DAC.

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<sup>6</sup> *Odluka Vijeća od 27. studenoga 2001. o pridruživanju prekomorskih zemalja i područja Europskoj zajednici („Odluka o prekomorskom pridruživanju”)(SL L 314, 30.11.2001., str. 1.)*

2. Komisija može smatrati prihvatljivima ponuditelje, podnositelje zahtjeva i natjecatelje iz zemalja koje ne ispunjavaju uvjete ili **robu** neprihvatljiva podrijetla u sljedećim slučajevima:
- (a) u slučaju zemalja s tradicionalnim gospodarskim, trgovinskim ili zemljopisnim vezama sa susjednim zemljama korisnicama ili
  - (b) u hitnim slučajevima ili u slučaju nedostupnosti proizvoda i usluga na tržištima dotičnih zemalja ili u ostalim valjano opravdanim slučajevima u kojima bi pravila o ispunjavanju uvjeta onemogućila ili izuzetno otežala provedbu projekta, programa ili djelovanja.
3. U slučaju djelovanja provedenih zajedničkim upravljanjem, relevantna država članica kojoj je Komisija delegirala provedbene zadaće ovlaštena je u ime Komisije smatrati prihvatljivima ponuditelje, podnositelje zahtjeva i natjecatelje iz zemalja iz **stavka 2. ovog članka** ili robu neprihvatljiva podrijetla iz **članka 8. stavka 4.**

#### Članak 10.

#### ***Prihvatljivost za instrument IPA II***

1. Ponuditelji, podnositelji zahtjeva i natjecatelji iz sljedećih zemalja prihvatljivi su za financiranje u okviru instrumenta IPA II:
- (a) države članice, **korisnice** navedene u Prilogu I instrumenta IPA II, članice Europskog gospodarskog prostora i partnerske zemlje obuhvaćene instrumentom ENI i
  - (b) **zemlje** kojima je Komisija omogućila uzajamni pristup vanjskoj pomoći na temelju uvjeta utvrđenih u članku 9. stavku 1. točki (e).

2. Komisija može smatrati prihvatljivima ponuditelje, podnositelje zahtjeva i natjecatelje iz zemalja koje ne ispunjavaju uvjete ili robu neprihvatljiva podrijetla **u hitnom slučaju ili u slučaju nedostupnosti proizvoda i usluga na tržištima dotičnih zemalja ili u drugim** opravdanim slučajevima **u kojima** bi pravila o ispunjavanju uvjeta onemogućila ili izuzetno otežala provedbu **projekta, programa ili** djelovanja **█**.
3. U slučaju djelovanja provedenih zajedničkim upravljanjem, relevantna država članica kojoj je Komisija delegirala provedbene zadaće ovlaštena je u ime Komisije smatrati prihvatljivima ponuditelje, podnositelje zahtjeva i natjecatelje iz zemalja koje ne ispunjavaju uvjete *iz* stavka 2. **ovog članka** ili robu neprihvatljiva podrijetla *iz* članka 8. stavka 4.

#### Članak 11.

##### *Ispunjavanje uvjeta za instrumente IfS i EIDHR*

1. Ne dovodeći u pitanje ograničenja vezana uz narav i ciljeve određenog djelovanja kako je određeno u članku 8. stavku 7., sudjelovanje u dodjeli ugovora o nabavi ili bespovratnih sredstava te angažiranje stručnjaka dostupno je bez ograničenja u okviru instrumenata IfS i EIDHR.
2. U okviru instrumenta EIDHR sljedeća tijela i subjekti ispunjavaju uvjete za financiranje u skladu s člankom 4. stavkom 1. te člankom 6. stavkom 1. točkom (c):
  - (a) organizacije civilnog društva, uključujući nevladine neprofitne organizacije i neovisna politička udruženja, organizacije koje djeluju u zajednici te neprofitne agencije, ustanove i organizacije u privatnom sektoru i njihove mreže na lokalnoj, nacionalnoj, regionalnoj i međunarodnoj razini;
  - (b) neprofitne agencije, ustanove, organizacije i mreže u javnom sektoru na lokalnoj, nacionalnoj, regionalnoj i međunarodnoj razini;

- (c) nacionalna, regionalna i međunarodna parlamentarna tijela, kada je to potrebno kako bi se ostvarili ciljevi instrumenta, a predložena se mjera ne može financirati u okviru još jednog instrumenta Unije za vanjsku pomoć;
- (d) međunarodne i regionalne međuvladine organizacije;
- (e) fizičke osobe, subjekti bez pravne osobnosti i, u iznimnim i valjano opravdanim slučajevima, ostala tijela ili subjekti koji nisu utvrđeni u ovom stavku, kada je to potrebno kako bi se postigli ciljevi instrumenta.

## Članak 12.

### *Praćenje i ocjena djelovanja*

1. Komisija redovito prati *svoja djelovanja i preispituje napredak u ostvarivanju očekivanih rezultata koji obuhvaćaju realizaciju i ishode. Komisija također provodi ocjenu učinka i djelotvornosti* svojih sektorskih politika i djelovanja i te učinkovitost programiranja, prema potrebi putem neovisnih vanjskih ocjena. *Uzet će se u obzir prijedlozi neovisnih vanjskih ocjena Europskog parlamenta ili Vijeća. Ocjene bi se trebale temeljiti na načelima dobre prakse OECD-DAC-a, kojima se nastoji ustanoviti jesu li zadovoljeni posebni ciljevi, prema potrebi uzimajući u obzir ravnopravnost spolova, i* i sastaviti preporuke u svrhu poboljšanja budućih aktivnosti. *Te ocjene provode se na temelju pokazatelja koji su unaprijed utvrđeni, jasni, transparentni i prema potrebi specifični za pojedinu zemlju i mjerljivi.*
2. *Komisija šalje svoja izvješća o ocjeni Europskom parlamentu, Vijeću i* i državama članicama *putem relevantnog odbora* iz članka 15. *Države članice mogu zahtijevati da se o pojedinim ocjenama raspravi u odboru.* Ti se rezultati koriste kao povratna informacija prilikom izrade programa i dodjele sredstava.

3. Komisija u odgovarajućoj mjeri uključuje sve relevantne zainteresirane strane u fazu ocjenjivanja pomoći Unije predviđene ovom Uredbom *i može se, prema potrebi, odlučiti na zajedničko ocjenjivanje s državama članicama EU-a i razvojnim partnerima.*
- 3.a *Izvešće iz članka 13. sadrži glavna stečena iskustva i popratne aktivnosti u vezi s preporukama iz ocjena u proteklim godinama.*

#### GLAVA IV.

#### DRUGE ZAJEDNIČKE ODREDBE

##### Članak 13.

##### **Godišnje izvješće**

1. Komisija ispituje ostvareni napredak u provedbi mjera financijske pomoći u okviru vanjskog djelovanja te dostavlja Europskom parlamentu i Vijeću *godišnje izvješće, počevši od 2015., o postignutim ciljevima svake Uredbe u obliku pokazatelja koji mjere ostvarene rezultate i učinkovitost instrumenta.* To izvješće također se dostavlja Europskom gospodarskom i socijalnom odboru i Odboru regija.
2. To *godišnje* izvješće sadrži podatke iz prethodne godine o financiranim mjerama, rezultatima praćenja i ocjene, sudjelovanju relevantnih partnera te provedbi proračunskih obveza i odobrenih sredstava za plaćanje *raščlanjenih prema zemlji, regiji i sektoru suradnje.* Ono procjenjuje rezultate financijske pomoći Unije korištenjem, u mjeri u kojoj je to moguće, posebnih i mjerljivih pokazatelja uloge Unije u ostvarivanju ciljeva instrumenata. *U slučaju razvojne suradnje u izvješću se također procjenjuje, ako je to moguće i relevantno, poštovanje načela učinkovitosti pomoći, uključujući za inovativne financijske instrumente.*

**2.a** *Godišnje izvješće sastavljeno 2021. sadrži konsolidirane podatke iz godišnjeg izvješća za razdoblje od 2014. do 2020. o cjelokupnom financiranju uređenom ovom Uredbom, uključujući vanjske namjenske prihode i doprinose uzajamnim fondovima EU-a te sadrži raščlambu troškova po zemlji korisnici, korištenju financijskih instrumenata, obvezama i plaćanjima.*

#### Članak 14.

Rashodi djelovanja u vezi s klimom i biološkom raznolikošću

***Godišnja procjena ukupnih troškova za djelovanje u vezi s klimom i biološkom raznolikošću sastavlja se na temelju donesenih indikativnih programskih dokumenata.*** Sredstva dodijeljena u okviru instrumenata podliježu godišnjem sustavu praćenja koji se temelji na metodologiji OECD-a („Rio pokazatelji”), ***ne isključujući upotrebu preciznijih metodologija ako su dostupne***, integriranom u postojeću metodologiju upravljanja uspješnošću programa EU-a, radi kvantifikacije rashoda djelovanja u vezi s klimom i biološkom raznolikošću na razini programa djelovanja te pojedinačnih i posebnih mjera iz članka 2. stavka 1. te zabilježenog u ocjenama i ***godišnjem izvješću***.

#### Članak 14.a

##### ***Uključenost dionika zemalja korisnica***

***Komisija, kada god je to moguće i prikladno, osigurava da se tijekom postupka provedbe savjetuju ili da su se provela savjetovanja s relevantnim zainteresiranim stranama iz zemalja korisnica, uključujući organizacije civilnog društva i tijela lokalne vlasti te da im je osiguran pravovremeni pristup relevantnim informacijama kako bi mogli imati značajnu ulogu u tom postupku.***



## ZAVRŠNE ODREDBE

### Članak 15.

#### Odbori

1. Komisiji pomažu odbori uspostavljeni instrumentima. *Navedeni Odbori su odbori u smislu Uredbe (EU) br. 182/2011.*

2. Kod upućivanja na ovaj stavak primjenjuje se članak 4. Uredbe (EU) br.182/2011.

Ako se mišljenje odbora mora dobiti na temelju pisanog postupka, navedeni postupak završava bez rezultata kada to u roku za davanje mišljenja odluči predsjednik odbora ili to zahtijeva obična većina članova odbora.

3. Kod upućivanja na ovaj stavak primjenjuje se članak 5. Uredbe (EU) br.182/2011.

Ako se mišljenje odbora mora dobiti na temelju pisanog postupka, navedeni postupak završava bez rezultata kada to u roku za davanje mišljenja odluči predsjednik odbora ili to zahtijeva obična većina članova odbora.

4. Kod upućivanja na ovaj stavak primjenjuje se članak 8. Uredbe (EU) br.182/2011 u vezi s njezinim člankom 5.

Donesena odluka ostaje na snazi u razdoblju valjanosti donesenog ili izmijenjenog dokumenta, programa djelovanja ili mjere.

- 4.a Promatrač iz Europske investicijske banke sudjeluje u postupcima odbora u vezi s pitanjima koja se odnose na Banku.**

#### Članak 16.

##### **Srednjoročni pregled i ocjena instrumenata**

1. Najkasnije do 31. prosinca 2017. Komisija **podnosi** izvješće o **provedbi svakog od instrumenata i ove Uredbe. Izvješće će obuhvaćati razdoblje od 1. siječnja 2014. do 30. lipnja 2017., a usredotočiti se na** postignute ciljeve svake **Uredbe** u obliku **█** pokazatelja kojima se mjere **ostvareni rezultati i učinkovitost instrumenata.**

U izvješću se također navode, **u cilju postizanja ciljeva svakog instrumenta, dodane vrijednosti svakog instrumenta**, prostor za pojednostavljivanje, unutarnja i vanjska usklađenost, **uključujući komplementarnost i sinergije instrumenata**, kontinuirana relevantnost svih ciljeva, **█** doprinos mjera **usklađenom vanjskom djelovanju EU-a i prema potrebi** prioriteti Unije za pametni, održivi i uključivi rast. U izvješću se uzimaju u obzir svi nalazi i zaključci o dugoročnom **učinku instrumenata. Ono također sadrži podatke o postignutom učinku poluge u vezi sredstava koji je ostvario svaki financijski instrument.**

*To izvješće podnosi se u posebnu svrhu unaprjeđenja provedbe pomoći Unije. Na temelju njega će se donositi odluke o obnavljanju, izmjeni ili suspenziji vrsta djelovanja provedenih u okviru instrumenata.*

*Izvješće također sadrži konsolidirane podatke iz određenog godišnjeg izvješća o cjelokupnom financiranju uređenom ovom Uredbom, uključujući vanjske namjenske prihode i doprinose uzajamnim fondovima EU-a te sadrži raščlambu troškova po zemlji korisnici, korištenju financijskih instrumenata, obvezama i plaćanjima.*

*Završno izvješće o ocjeni za razdoblje od 2014. do 2020. uspostavlja Komisija u okviru privremenog pregleda sljedećeg financijskog razdoblja u 2024.*

2. To izvješće dostavlja se Europskom parlamentu i Vijeću te prema potrebi mora biti popraćeno zakonodavnim prijedlozima kojima se uvode potrebne izmjene instrumenata *i ove Uredbe*.
3. Vrijednosti pokazatelja 1. siječnja 2014. uzimaju se kao osnova za procjenu mjere u kojoj su ciljevi postignuti.
4. Komisija od partnerskih zemalja zahtijeva da pruže sve potrebne podatke i informacije, sukladno međunarodnim obvezama vezanima uz učinkovitost pomoći, kako bi se omogućilo praćenje i ocjenjivanje određenih mjera.
5. Dugoročni *ishodi i* učinci te održivost učinaka instrumenata ocjenjuju se u skladu s pravilima i postupcima *praćenja, ocjenjivanja i izvješćivanja* koji se u to vrijeme primjenjuju.

Članak 17.  
Stupanje na snagu

Ova Uredba stupa na snagu sljedećeg dana od dana objave u *Službenom listu Europske unije*.

***Primjenjuje se od 1. siječnja 2014. do 31. prosinca 2020.***

Ova je Uredba u cijelosti obvezujuća i izravno se primjenjuje u svim državama članicama.

■

Sastavljeno u Bruxellesu

*Za Europski parlament*

• *Predsjednik*

*Za Vijeće*

*Predsjednik*

## **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.

## **DRAFT COMMISSION DECLARATION ON REFLAWS<sup>7</sup>**

In line with the obligations set out in Article 21(5) of the Financial Regulation, the Commission will include in the draft budget a line accommodating internal assigned revenues and wherever possible, it will indicate the amount of such revenue.

The budgetary authority will be informed about the amount of the accumulated resources every year during the planning process of the budget.

Internal assigned revenues will be included in the draft budget only to the extent that their amount is certain.

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<sup>7</sup> Pending formal approval.

**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.

18.7.2012

## **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 common rules and procedures for the implementation of the Union's instruments for external action

(COM(2011)0842 – C7-0494/2011 – 2011/0415(COD))

Rapporteur (\*): Thijs Berman

(\*) Associated committee – Rule 50 of the Rules of Procedure

### **SHORT JUSTIFICATION**

The Committee on Foreign Affairs and the Committee on Development agreed on the application of Rule 50 of Parliament's Rules of Procedure ("associated committees") to the legislative report on this Regulation. The Committee on Development has exclusive competence for the following aspects of the Commission proposal for a regulation:

- provisions on the untying of aid (Article 8) in so far as the actions concerned fulfil the criteria of ODA;
- provisions relating to the untying of aid as regards their specific application to the DCI (currently in Article 9);
- other provisions specifically and exclusively applying to the DCI, also those which are not yet contained in the proposal and which do not undermine the overall coherence of the instruments covered by the regulation, including in particular provisions relating to the use of budget support to developing countries covered by the DCI.

The exclusive application to the DCI and/or to ODA is clearly indicated in the amendments tabled by the Committee on Development under its exclusive competence.



## 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 1

###### *Text proposed by the Commission*

(1) The European Union should adopt a comprehensive set of instruments covering a range of policies related to external action, which **require** specific common rules and procedures for their implementation. These are: the Development Cooperation Instrument ('DCI'), the European Instrument for Democracy and Human Rights ('EIDHR'), the European Neighbourhood Instrument ('ENI'), the Instrument for Stability ('IfS'), the Instrument for Nuclear Safety Cooperation ('INSC'), the Instrument for Pre-accession Assistance ('IPA') and the Partnership Instrument ('PI').

###### *Amendment*

(1) The European Union should adopt a comprehensive set of instruments covering a range of policies related to external action, which **might benefit from** specific common rules and procedures for their implementation. These are: the Development Cooperation Instrument ('DCI'), the European Instrument for Democracy and Human Rights ('EIDHR'), the European Neighbourhood Instrument ('ENI'), the Instrument for Stability ('IfS'), the Instrument for Nuclear Safety Cooperation ('INSC'), the Instrument for Pre-accession Assistance ('IPA') and the Partnership Instrument ('PI').

###### *Justification*

*The adoption of common rules is no legal obligation; the functioning of the instruments will not necessarily be hampered by the absence of common rules. Therefore, common rules should be applied wherever possible but with enough flexibility for each instrument to be guided by its own specific rules in function of its specificity and own objectives.*

### Amendment 2

#### Proposal for a regulation

##### Recital 2

###### *Text proposed by the Commission*

(2) These instruments generally provide that actions to be funded on their basis should be the object of a multiannual **indicative** programming, providing the

###### *Amendment*

(2) These instruments generally provide that actions to be funded on their basis should be the object of a multiannual **strategic** programming, providing the

framework within which financing decisions should be adopted in accordance with the Financial Regulation, and with the procedures provided for in **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.**

framework within which financing decisions should be adopted in accordance with the Financial Regulation, and, **both for the programming and the implementing decisions**, with the *adequate* procedures provided for in **Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU).**

#### *Justification*

*A distinction must be made between programming decisions, which are partly political in nature, and pure implementing decisions*

### **Amendment 3**

#### **Proposal for a regulation Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) The documents that define for each financial programme the objectives, priorities, expected results and financial allocations in broad terms are strategic programming documents. In order to increase flexibility and efficiency for the purposes of the adoption and revision of those documents, a delegation of power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be conferred on the Commission.***

#### *Justification*

*A distinction must be made between programming decisions, which are partly political in nature – and therefore the co-legislators should be involved in their establishment – and purely implementing decisions. For the programming decisions, wording has been taken from the Conference of Presidents' decision of 9.9.2010.*

## Amendment 4

### Proposal for a regulation Recital 3

*Text proposed by the Commission*

(3) The financing decisions should take the forms of Annual or **Multiannual** Action programmes and Individual Measures when following the planning provided for by the multiannual **indicative** programming, of Special Measures where required by unforeseen and justified needs, and of Support Measures.

*Amendment*

(3) The financing decisions should take the forms of Annual or **Biennial** Action programmes and Individual Measures when following the planning provided for by the multiannual **strategic** programming, of Special Measures where required by unforeseen and justified needs, and of Support Measures.

*Justification*

*In the set of Instruments currently in force, the main implementing documents are the Annual Action Programmes. While accepting the Commission's request for more flexibility, a balance should be found between the necessity of parliamentary oversight - which is easier to exercise over measures for a shorter period - and the flexibility desired by the Commission. Extending the period for the action programmes from one year - as in the current DCI - to two years is an acceptable compromise.*

## Amendment 5

### Proposal for a regulation Recital 4

*Text proposed by the Commission*

(4) Taking into account the **policy programming or** financial execution nature of those implementing acts, in particular their budgetary implications, the examination procedure should in general be used for their adoption, except for measures of a **small** financial scale. **However, the Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so requires.**

*Amendment*

(4) Taking into account the financial execution nature of those implementing acts, in particular their budgetary implications, the examination procedure should in general be used for their adoption, except for **individual measures, special measures and support** measures of a financial scale **below EUR 10 million**.

### *Justification*

*The principle should be that important programming decisions should be taken under the delegated acts procedure, implementing decisions involving normal foreseeable measures in line with the programming decisions or involving important sums of money under the examination procedure, and – in order to avoid micromanagement – decisions involving less important sums under the advisory procedure, while flexibility should be foreseen for the Commission to take swiftly urgent emergency decisions. The cut-off amount of EUR 10 million was agreed by all institutions in 2006 and is already in force in the current DCI.*

### **Amendment 6**

#### **Proposal for a regulation**

#### **Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) The advisory procedure should in general be used for the adoption of individual measures, special measures and support measures of a financial scale below EUR 10 million. However, the Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so requires.***

### *Justification*

*The principle should be that important programming decisions should be taken under the delegated acts procedure, implementing decisions involving normal foreseeable measures in line with the programming decisions or involving important sums of money under the examination procedure, and – in order to avoid micromanagement – decisions involving less important sums under the advisory procedure, while flexibility should be foreseen for the Commission to take swiftly urgent emergency decisions. The cut-off amount of EUR 10 million was agreed by all institutions in 2006 and is already in force in the current DCI.*

### **Amendment 7**

#### **Proposal for a regulation**

#### **Recital 5**

*Text proposed by the Commission*

*Amendment*

***(5) In financing decisions the description of each action, specifying its objectives, main activities, expected results,*** ***deleted***

***prospective budget and timetable and performance monitoring arrangements should be further approved in accordance with the procedures provided for in Regulation (EU) No 182/2011.***

*Justification*

*The text proposed by the Commission risks creating confusion between the programming level and the implementation level.*

**Amendment 8**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

(6) For the implementation of financial instruments, when the management of the operation is entrusted to a financial intermediary, the Commission decision should cover in particular provisions concerning risk-sharing, the remuneration of the intermediary responsible for implementation, the use and re-use of the funds and the possible profits.

*Amendment*

(6) For the implementation of financial instruments, when the management of the operation is entrusted to a financial intermediary, the Commission decision should cover in particular provisions concerning risk-sharing, ***transparency***, the remuneration of the intermediary responsible for implementation, the use and re-use of the funds and the possible profits.

**Amendment 9**

**Proposal for a regulation**

**Recital 8**

*Text proposed by the Commission*

(8) While financing needs of the Union's external assistance are increasing, the economic and budgetary situation of the Union limits the resources available for such assistance. The Commission must therefore seek the most efficient use of available resources, in particular by using financial instruments that have a leverage effect. Such leverage effect is increased by allowing funds invested and generated by the financial instruments to be used and re-used.

*Amendment*

(8) While financing needs of the Union's external assistance are increasing, the economic and budgetary situation of the Union limits the resources available for such assistance. The Commission must therefore seek the most efficient use of available resources, in particular by using financial instruments that have a leverage effect. Such leverage effect is increased by allowing funds invested and generated by the financial instruments to be used and re-used. ***This leverage effect must be clearly***

*demonstrated particularly in the case of instruments that are counted towards Official Development Assistance or Climate Finance. In such cases the funds leveraged must clearly contribute to poverty eradication and be aligned to aid effectiveness principles, or, in the case of climate finance, conform to UNFCCC priority areas and commitments.*

*Justification*

*This amendment is necessary in order to ensure that the rules for untying aid under the DCI instrument respect the OECD-DAC guidelines, to the application of which the EU has committed itself.*

**Amendment 10**

**Proposal for a regulation**

**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

*(8a) In line with the commitments of the European Union at the 3rd and 4th High Level Fora on Aid Effectiveness (Accra 2008, and Busan 2011), and the OECD-DAC recommendation on untying ODA to the Least Developed Countries and Heavily Indebted Poor Countries, the Commission should untie European Union aid to the maximum extent and increase the de facto opening, and the transparency of its procurement and award procedures, in particular where innovative financing mechanisms are being used.*

**Amendment 11**

**Proposal for a regulation**

**Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

*(8b) The Union's action on the international scene should be guided by the principles which have inspired its own*

*creation, development and enlargement, and which it seeks to advance in the wider world, namely, democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principle of equality, and solidarity and respect for the principles of the United Nations Charter and International Law.*

## **Amendment 12**

### **Proposal for a regulation Recital 8 c (new)**

*Text proposed by the Commission*

*Amendment*

*(8c) The Union's external action under these instruments should have an impact reflected in concrete changes in partner countries. Whenever possible, this impact should be monitored and assessed on the basis of pre-defined, clear, transparent and measurable indicators, directly related to the objectives of each instrument and taking into account the Union's obligations under Article 208 of the TFEU.*

## **Amendment 13**

### **Proposal for a regulation Recital 8 d (new)**

*Text proposed by the Commission*

*Amendment*

*(8d) With a view to optimising the impact of the Instruments and to ensure that the most efficient use of available resources is sought after, the biennial report of the Commission should among other things, assess, in the light of the relevant Treaty provisions, the complementarity, synergies and mutual reinforcement between all the instruments financed under the relevant heading of the budget.*

## Amendment 14

### Proposal for a regulation Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

***(9a) Financial assistance in the form of budget support should be granted only when requirements concerning the quality of the management of public spending and concerning parliamentary control and audit capacities are met.***

## Amendment 15

### Proposal for a regulation Recital 10 a (new)

*Text proposed by the Commission*

*Amendment*

***(10a) In order to ensure the visibility of the Union's assistance towards the citizens of the beneficiary countries and those of the Union, proper and targeted communication and information should be carried out via national, regional and local media, or by other adequate means, whenever relevant. Minimal and appropriate requirements in this regard should be defined by the Commission in close cooperation with beneficiaries, and the respect of these requirements should be monitored.***

## Amendment 16

### Proposal for a regulation Article 1 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. This Regulation establishes the rules and conditions for providing the Union's financial assistance to actions, ***including action programmes and other measures***, under the following Instruments: the Development Cooperation Instrument

1. This Regulation establishes the rules and conditions for providing the Union's financial assistance to actions under the following Instruments: the Development Cooperation Instrument ('DCI'), the European Instrument for Democracy and



(‘DCI’), the European Instrument for Democracy and Human Rights (‘EIDHR’), the European Neighbourhood Instrument (‘ENI’), the Instrument for Stability (‘IfS’), the Instrument for Nuclear Safety Cooperation (‘INSC’), the Instrument for Pre-accession Assistance (‘IPA’) and the Partnership Instrument (‘PI’), hereinafter also referred to jointly as ‘the Instruments’ and singly as ‘the applicable Instrument’.

Human Rights (‘EIDHR’), the European Neighbourhood Instrument (‘ENI’), the Instrument for Stability (‘IfS’), the Instrument for Nuclear Safety Cooperation (‘INSC’), the Instrument for Pre-accession Assistance (‘IPA’) and the Partnership Instrument (‘PI’), hereinafter also referred to jointly as ‘the Instruments’ and singly as ‘the applicable Instrument’.

#### *Justification*

*As the names and the content of the different documents (both at programming and at implementation level) vary from instrument to instrument, it is preferable not to specify the names given to a particular type of document.*

### **Amendment 17**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 2**

##### *Text proposed by the Commission*

2. The Commission shall ensure that actions are implemented in accordance with the objectives of the applicable Instrument, and in conformity with an effective protection of the financial interests of the Union. The financial assistance provided on the basis of the Instruments shall be consistent with the rules and procedures laid down in the Financial Regulation, which provides the basic financial and legal framework for their implementation.

##### *Amendment*

2. The Commission shall ensure that actions are implemented in accordance with the objectives of ***and the specific provisions and derogations contained in*** the applicable Instrument, and in conformity with an effective protection of the financial interests of the Union. The financial assistance provided on the basis of the Instruments shall be consistent with the rules and procedures laid down in the Financial Regulation, which provides the basic financial and legal framework for their implementation.

#### *Justification*

*Common rules should be applied wherever possible but with enough flexibility for each Instrument to be guided by its own specific rules in line with its specificity and own objectives.*

## Amendment 18

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

*Text proposed by the Commission*

*Amendment*

**3. In applying this Regulation, the Commission shall, where possible and appropriate in light of the nature of the action, favour the use of the most flexible procedures in order to ensure an effective and efficient implementation.** **deleted**

#### *Justification*

*This paragraph is superfluous because it is self-evident: the Commission must follow the procedures set out either in this Regulation, in the applicable Instrument, or in the Financial Regulation. It is evident that, where a choice is possible, the Commission should choose the most flexible procedure. Maintaining this clause would create the impression that the legislator agrees to endow the Commission with additional discretionary powers.*

## Amendment 19

### Proposal for a regulation Article 1 – paragraph 3a (new)

*Text proposed by the Commission*

*Amendment*

**3a. All types of activities and financing methods mentioned in this Regulation for the financing and implementation of programmes, projects, individual or special measures, support measures, and any other form of financial expenditure under the DCI shall fulfil the requirements established in that Instrument concerning their eligibility as ODA according to the eligibility criteria established by the OECD-DAC.**

#### *Justification*

*Because the DCI is subject to a set of rules agreed by the international donor community in the framework of the OECD-DAC, which constitute the “acquis” in the field of development cooperation to which the EU should abide by virtue of Article 208 TFEU and which does not necessarily apply to the other instruments covered by this Regulation, it is necessary to include this specification.*

## Amendment 20

### Proposal for a regulation Article 2 – title

*Text proposed by the Commission*

Adoption of *action programmes*,  
individual measures and special measures

*Amendment*

Adoption of *strategic programming documents, implementation documents*,  
individual measures and special measures

#### *Justification*

*On the one hand it is necessary to mention the strategic programming documents as a separate category, on the other hand it is preferable, wherever possible, to mention the type of documents rather than their individual names, as the names and the content of the different documents (both at programming and implementation level) may vary from instrument to instrument.*

## Amendment 21

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

*Text proposed by the Commission*

*Amendment*

***-1. The documents that define for each financial programme the objectives, priorities, expected results and financial allocations in broad terms, are strategic programming documents.***

#### *Justification*

*A distinction must be made between programming decisions, which are partly political in nature – and therefore the co-legislators should be involved in their establishment – and purely implementing decisions. For the important programming decisions, wording has been taken from the Conference of Presidents' decision of 9.9.2010. The provision that these elements must be given for each financial programme appears in the title of the decision of the Conference of Presidents.*

## **Amendment 22**

### **Proposal for a regulation**

#### **Article 2 – paragraph (-1) – subparagraph 2 (new)**

*Text proposed by the Commission*

*Amendment*

***Without prejudice to the provisions of the individual Instruments, strategic programming documents shall be adopted in accordance with Article 290 of the Treaty on the Functioning of the European Union. The specific conditions for the exercise of delegation shall be defined in the individual Instruments. An urgency procedure clause shall be provided for in the delegation of power.***

*Justification*

*The clause: "Without prejudice to ..." introduces a provision to make it possible for the individual Instruments to bring strategic programming decisions under co-decision as an alternative to the delegated acts procedure (in keeping with the recent decision of the Conference of Presidents).*

## **Amendment 23**

### **Proposal for a regulation**

#### **Article 2 – paragraph (-1) – subparagraph 3 (new)**

*Text proposed by the Commission*

*Amendment*

***The duration of the delegation shall be defined in each Instrument, but shall not exceed the date set for the mid-term review of the Instruments, as defined in Article 16 of this Regulation.***

*Justification*

*Limiting the duration of the delegation to the mid-term review of the Instruments obliges the Commission to submit a legislative proposal at mid-term for extending the duration of the delegated acts, thereby making it possible for the Parliament and the Council to introduce, if necessary, amendments in order to improve the functioning of the Instruments.*

## Amendment 24

### Proposal for a regulation

#### Article 2 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

1. The Commission shall adopt annual or **multi-annual** action programmes, **where required** based on the **indicative** programming documents **referred to in the applicable Instrument**.

*Amendment*

1. The Commission shall adopt annual or **biennial** action programmes **which shall be** based on **and in line with** the **strategic programming** documents **defined in Article 2 (-1)**.

*Justification*

*All implementing measures must per definition be based on, and be in line with, the programming decisions.*

## Amendment 25

### Proposal for a regulation

#### Article 2 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

Exceptionally, **in particular** where an action programme has not yet been adopted, the Commission may, on the basis of the **indicative** programming documents, adopt individual measures under the same rules and procedures as for action programmes.

*Amendment*

Exceptionally, where an action programme has not yet been adopted, the Commission may, on the basis of **and in line with** the **strategic** programming documents **defined in Article 2 (-1)**, adopt individual measures under the same rules and procedures as for action programmes.

*Justification*

*All implementing measures must per definition be based on, and be in line with, the programming decisions.*

## Amendment 26

### Proposal for a regulation

#### Article 2 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

In **the event of** unforeseen and duly justified **needs**, circumstances **or commitments**, the Commission may adopt special measures not provided for in the

*Amendment*

In **special** unforeseen and duly justified circumstances, the Commission may adopt special measures not provided for in the **strategic** programming documents. Special

*indicative* programming documents. Special measures may also be used to ease the transition from emergency *aid* to long-term *development* operations, *including measures to better prepare people to deal with recurring crises*.

measures may also be used to ease the transition from emergency to long-term operations.

#### *Justification*

1. *"Unforeseen commitments" is a contradictio in terminis: a commitment is a promise for the future, and therefore should be programmable.*
2. *The transition from humanitarian aid to development aid (LRRD) is specific to the Humanitarian Aid Instrument (not currently under revision) and – mainly - the DCI, and should therefore be dealt with in the DCI (and other relevant instruments) and the humanitarian aid instrument, not in the CIR. The word "development" should therefore be deleted.*
3. *Disaster preparedness in areas with permanent or recurring disaster risks should not be done under special measures, but under the normal financial programming – it is foreseeable and programmable.*

#### **Amendment 27**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 2 – subparagraph 1**

###### *Text proposed by the Commission*

2. Action programmes *and* individual measures provided for in paragraph 1 for which the Union's financial assistance exceeds EUR 10 million *and special measures for which the Union's financial assistance exceeds EUR 30 million* shall be adopted in accordance with the examination procedure referred to in Article 15(3).

###### *Amendment*

2. Action programmes, individual measures, *special measures and support measures* provided for in paragraph 1 *of this article and in Article 3*, for which the Union's financial assistance exceeds EUR 10 million shall be adopted in accordance with the examination procedure referred to in Article 15(3).

#### *Justification*

*The principle should be that important programming decisions should be taken under the delegated acts procedure, implementing decisions involving normal foreseeable measures in line with the programming decisions or involving important sums of money under the examination procedure, and – in order to avoid micromanagement – decisions involving less important sums under the advisory procedure, while flexibility should be foreseen for the Commission to take swiftly urgent emergency decisions. The cut-off sum of EUR 10 million was agreed by all institutions in 2006 and is already in force in the current DCI.*

## Amendment 28

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***Individual measures, special measures and support measures for which the Union's financial assistance does not exceed EUR 10 million shall be adopted in accordance with the advisory procedure referred to in Article 15(2).***

#### *Justification*

*The principle should be that important programming decisions should be taken under the delegated acts procedure, implementing decisions involving normal foreseeable measures in line with the programming decisions or involving important sums of money under the examination procedure, and – in order to avoid micromanagement – decisions involving less important sums under the advisory procedure, while flexibility should be foreseen for the Commission to take swiftly urgent emergency decisions. The cut-off sum of EUR 10 million was agreed by all institutions in 2006 and is already in force in the current DCI.*

## Amendment 29

### Proposal for a regulation

#### Article 2 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

That procedure shall not be required for action programmes and measures below the above-mentioned thresholds, ***and for non substantial amendments thereto.*** Non-substantial amendments are technical adjustments such as 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 substantially affect the objectives of the initial action programme or measure. In such case, action programmes and measures and non-substantial amendments thereto shall be communicated to the European Parliament and to the Council within ***one month*** of

That procedure shall not be required for ***non-substantial amendments to*** action programmes and to measures below the above-mentioned threshold. Non-substantial amendments are technical adjustments such as 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 substantially affect the objectives of the initial action programme or measure. In such case, action programmes and measures and non-substantial amendments thereto shall be communicated to the European Parliament and to the Council within ***two weeks*** of

their adoption.

their adoption.

*Justification*

*In return for maximum flexibility for the Commission, the co-legislators should receive quick notification when this paragraph is activated (also for the purpose of being able to communicate in an informed way with their respective constituencies).*

**Amendment 30**

**Proposal for a regulation**

**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. On duly justified imperative grounds of urgency, such as crises, ***post crisis and fragility situations*** or threats to democracy, the rule of law, human rights or fundamental freedoms, the Commission may adopt immediately applicable implementing acts, including amendments to existing action programmes and measures, in accordance with the procedure referred to in Article 15(4).

3. On duly justified imperative grounds of urgency, such as ***military, institutional or humanitarian*** crises, or threats to democracy, the rule of law, human rights or fundamental freedoms, the Commission may adopt immediately applicable implementing acts, including amendments to existing action programmes and measures, in accordance with the procedure referred to in Article 15(4). ***The Commission shall notify the European Parliament of its decision within 24 hours of the adoption of the implementing act.***

*Justification*

1. *There is a risk that, if the field of application of this paragraph is not unambiguously defined, it may supersede previous measures and “non-emergency” implementing acts without any possibility for EP to redress the situation if needed, certainly if - as the Commission proposes - the application of these measures can extend until the expiry date of the Regulation.*

2. *“Crises” is too vague and needs to be defined.*

3. *“Post crisis and fragility situations” are rather permanent situations and not urgencies or emergencies.*

4. *In return for maximum flexibility for the Commission, the co-legislators should receive immediate notification when this paragraph is activated (also for the purpose of communicating in an informed way with their constituencies).*



## Amendment 31

### Proposal for a regulation Article 2 – paragraph 4

*Text proposed by the Commission*

4. Appropriate environmental screening, including for climate change and biodiversity impacts, shall be undertaken at project level including where applicable environmental impact assessment (EIA) for environmentally sensitive projects, in particular for **major** new infrastructure. Where relevant, strategic environmental assessments (SEA) shall be used in the implementation of sectoral programmes. The involvement of interested stakeholders in environmental assessments and public access to the results shall be ensured.

*Amendment*

4. Appropriate environmental screening, including for climate change and biodiversity impacts, shall be undertaken at project level including where applicable environmental impact assessment (EIA) for environmentally sensitive projects, in particular for new infrastructure. Where relevant, strategic environmental assessments (SEA) shall be used in the implementation of sectoral programmes. The involvement of interested stakeholders in environmental assessments and public access to the results shall be ensured.  
***Development impact assessments shall also be undertaken at project level to ensure that Policy Coherence for Development and aid effectiveness principles are effectively incorporated into project design and selection.***

*Justification*

1. *It is advisable to delete the word "major", as this introduced a degree of arbitrariness in the Regulation.*
2. *Article 208 TFEU makes it compulsory for the Union to take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries.*

## Amendment 32

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

*Text proposed by the Commission*

1. Union financing may cover expenditure for the implementation of the Instruments and for the achievement of their objectives, ***including*** administrative support associated with the preparation, follow-up,

*Amendment*

1. Union financing may cover expenditure for the implementation of the Instruments and for the achievement of their objectives; ***this concerns*** administrative support associated with the preparation, follow-up,

monitoring, audit and evaluation activities directly necessary for such implementation, as well as expenditure at Union delegations on the administrative support needed to manage operations financed under the Instruments.

monitoring, audit and evaluation activities directly necessary for such implementation, as well as expenditure at Union delegations on the administrative support needed to manage operations financed under the Instruments.

*Justification*

*While allowing the Commission the necessary flexibility to adapt implementation to changing circumstances, it is necessary to avoid giving it completely arbitrary discretionary powers. Therefore, expressions as “inter alia”, “including”, etc. should be avoided as much as possible.*

**Amendment 33**

**Proposal for a regulation  
Article 3 – paragraph 2**

*Text proposed by the Commission*

2. Provided that the activities listed in points (a), (b) and (c) are related to the **general** objectives of the applicable Instrument implemented through the action, Union financing may cover

*Amendment*

2. Provided that the activities listed in points (a), (b) and (c) are related to the **specific** objectives of the applicable Instrument implemented through the action, Union financing may cover

*Justification*

*In order to ensure that funds are used as much as possible for achieving the specific objectives of each Instrument, the number of “secondary” activities financed under each Instrument should be limited. Limiting their eligibility to support for the specific objectives of the Instrument will help achieving this.*

**Amendment 34**

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

*Text proposed by the Commission*

**3. Support measures may be financed outside the scope of indicative programming documents. Where applicable, the Commission shall adopt support measures in accordance with the advisory procedure referred to in Article 15(2).**

*Amendment*

**deleted**

### *Justification*

*This clause would give the Commission too much discretionary powers and would hollow out all rules and requirements for financing.*

### **Amendment 35**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 - subparagraph 1 - introductory wording**

##### *Text proposed by the Commission*

1. The Union's financial assistance may be provided, *inter alia*, through the following types of financing envisaged by the Financial Regulation:

##### *Amendment*

1. The Union's financial assistance may be provided through the following types of financing envisaged by the Financial Regulation:

### *Justification*

*While allowing the Commission the necessary flexibility to adapt implementation to changing circumstances, it is necessary to avoid giving it completely arbitrary discretionary powers. Therefore, expressions as “inter alia”, “including”, etc. should be avoided as much as possible.*

### **Amendment 36**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 - point d**

##### *Text proposed by the Commission*

(d) contributions to trust funds set up by the Commission;

##### *Amendment*

(d) contributions to trust funds set up by the Commission, ***provided that contributions from a specific Instrument will only be used for the achievement of the objectives of that Instrument;***

### **Amendment 37**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

The Union's financial assistance may also be provided, in accordance with the Financial Regulation, through contributions to international, regional or national funds, such as those established or

##### *Amendment*

The Union's financial assistance may also be provided, in accordance with the Financial Regulation, through contributions to international, regional or national funds, such as those established or

managed by the European Investment Bank, international organisations, Member States or by partner countries and regions, for attracting joint financing from a number of donors, or to funds set up by one or more donors for the purpose of the joint implementation of projects.

managed by the European Investment Bank, international organisations, Member States or by partner countries and regions, for attracting joint financing from a number of donors, or to funds set up by one or more donors for the purpose of the joint implementation of projects. ***The participation of non-EU International financial institutions to EU financial investment instruments, such as blending mechanisms, shall be conditional on their acceptance of EU standards and policies, and on the opening up of access for EU financial institutions to the shareholders' funds of these institutions.***

## Amendment 38

### Proposal for a regulation

#### Article 4 – paragraph 1 – subparagraph 2a (new)

*Text proposed by the Commission*

*Amendment*

***Financial assistance in the form of budget support, as provided for in point (c) above, and in accordance with Article [...] of the Financial Regulation<sup>1</sup>, shall only be granted a) on the basis of measurable objectives and performance indicators, b) if the partner country's management of public spending is sufficiently transparent, reliable and effective, and c) if it has put in place properly formulated sectoral or macroeconomic policies positively assessed by its principal donors, including, where relevant, the international financial institutions. Before approving any financing decision, the Commission shall secure guarantees from the government of the partner country concerned that it will promote or will allow the Union to promote and support national parliamentary control and audit capacities, including public access to information.***

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## Amendment 39

### Proposal for a regulation

#### Article 4 – paragraph 1 – subparagraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

***The provision of the Union’s financial assistance, through all the types of financing defined in paragraph 1, shall be conditional upon commitments of the beneficiary parties to fulfil requirements that will ensure the visibility of the Union’s assistance. Such minimal and appropriate requirements shall be defined by the Commission in close cooperation with beneficiaries, and the respect of these requirements shall be monitored.***

## Amendment 40

### Proposal for a regulation

#### Article 4 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. The types of financing referred to in paragraph 1 and in Article 6(1), and the methods of implementation referred to in paragraph 3, shall be chosen on the basis of their ability to achieve the specific objectives of the actions, taking into account, *inter alia*, the costs of controls, the administrative burden, and the expected risk of non-compliance. For grants, this shall include a consideration of the use of lump sums, flat rates and scales of unit costs.

4. The types of financing referred to in paragraph 1 and in Article 6(1), and the methods of implementation referred to in paragraph 3, shall be chosen on the basis of their ability to achieve the specific objectives of the actions, taking into account the costs of controls, the administrative burden, and the expected risk of non-compliance. For grants, this shall include a consideration of the use of lump sums, flat rates and scales of unit costs.

#### *Justification*

*While allowing the Commission the necessary flexibility to adapt implementation to changing circumstances, it is necessary to avoid giving it completely arbitrary discretionary powers. Therefore, expressions as “inter alia”, “including”, etc. should be avoided as much as possible.*

## Amendment 41

### Proposal for a regulation Article 4 – paragraph 6

*Text proposed by the Commission*

6. While having recourse to a type of financing referred to in paragraph 1 or Article 6(1), cooperation between the Union and its partners may take the form, *inter alia*, of

*Amendment*

6. While having recourse to a type of financing referred to in paragraph 1 or Article 6(1), cooperation between the Union and its partners may take the form of

*Justification*

*While allowing the Commission the necessary flexibility to adapt implementation to changing circumstances, it is necessary to avoid giving it completely arbitrary discretionary powers. Therefore, expressions as “inter alia”, “including”, etc. should be avoided as much as possible.*

## Amendment 42

### Proposal for a regulation Article 8 – paragraph 4

*Text proposed by the Commission*

4. All supplies and goods purchased under a procurement contract, or in accordance with a grant agreement, financed under this Regulation shall originate from an eligible country. However, they may originate from any country when the use of the competitive negotiated procedure is allowed. For the purposes of this Regulation, the term ‘origin’ is defined in the relevant Union legislation on rules of origin for customs purposes.

*Amendment*

4. All supplies and goods, ***including the goods, works and services covered by the OECD-DAC Good Procurement Practices***, purchased under a procurement contract, or in accordance with a grant agreement, financed under this Regulation shall originate from an eligible country. ***The use of country procurement systems should be the default option when a country included in the DAC List of ODA Recipients of the OECD is the recipient of said grant.*** However, they may originate from any country when the use of the competitive negotiated procedure is allowed. For the purposes of this Regulation, the term ‘origin’ is defined in the relevant Union legislation on rules of origin for customs purposes.

*Justification*

*To bring the rules on procurement and award of contracts in line with the OECD-DAC recommendation on untying ODA to the Least Developed Countries and Heavily Indebted Poor Countries of 2001 and 2008.*

**Amendment 43**

**Proposal for a regulation**

**Article 8 – paragraph 6**

*Text proposed by the Commission*

6. Where the Financial Regulation provides for discretion in the choice of the contractor, priority shall be given **where appropriate** to local and regional procurement.

*Amendment*

6. Where the Financial Regulation provides for discretion in the choice of the contractor, priority shall be given to local and regional procurement.

*Justification*

*To bring the rules on procurement and award of contracts in line with the OECD-DAC recommendation on untying ODA to the Least Developed Countries and Heavily Indebted Poor Countries of 2001 and 2008.*

**Amendment 44**

**Proposal for a regulation**

**Article 8 – paragraph 7**

*Text proposed by the Commission*

7. **By way of derogation from all other rules**, eligibility as defined in this Title may be restricted with regard to the nationality, localisation or nature of applicants, where required by the nature and **the** objectives of the action and as necessary for its effective implementation. **Such restrictions may apply in particular to the participation in awarding procedures in the case of cross-border cooperation actions.**

*Amendment*

7. **In exceptional and duly justified cases**, eligibility as defined in this Title may be restricted with regard to the nationality, localisation or nature of applicants, where required by the **specific** nature and objectives of the action and as necessary for its effective implementation.

*Justification*

*To bring the rules on procurement and award of contracts in line with the OECD-DAC recommendation on untying ODA to the Least Developed Countries and Heavily Indebted*

*Poor Countries of 2001 and 2008, derogations should be exceptional and as infrequent as possible.*

#### **Amendment 45**

##### **Proposal for a regulation**

##### **Article 9 – paragraph 1 - point c**

*Text proposed by the Commission*

(c) developing countries and territories, as ***defined as defined by*** the Development Assistance Committee of the Organisation for Economic Cooperation and Development ('OECD-DAC'), ***which are not members of the G-20 group***, , and overseas countries and territories covered by Council Decision [2001/822/EC of 27 November 2001];

*Amendment*

(c) developing countries and territories, as ***included in the DAC list of ODA Recipients published by the*** Development Assistance Committee of the Organisation for Economic Cooperation and Development ('OECD-DAC'), and overseas countries and territories covered by Council Decision [2001/822/EC of 27 November 2001];

*Justification*

*Excluding developing country G20 members would be incompatible with the DAC Recommendation on Untying and the DAC definition of untying, which requires procurement to be open to all OECD countries and substantially all developing countries (where the word "substantially" is there essentially to permit the exclusion of certain countries under a UN embargo). This would make EU ODA to the LDCs/HIPCs tied, and would imply that the EU is derogating unilaterally from earlier agreements made in the multilateral framework of the OECD-DAC of which the Commission is a full member. It would also not be compatible with Accra and Busan commitments, especially the latter, made only recently in a "Global Partnership for Development".*

#### **Amendment 46**

##### **Proposal for a regulation**

##### **Article 9 – paragraph 1 - point d**

*Text proposed by the Commission*

(d) ***developing countries as defined by OECD-DAC, which are member of the G-20 group, and other countries and territories, when they are beneficiaries of the action financed by the Union under the instruments covered by this Article;***

*Amendment*

***deleted***



### *Justification*

*Excluding developing country G20 members would be incompatible with the DAC Recommendation on Untying and the DAC definition of untying, which requires procurement to be open to all OECD countries and substantially all developing countries (where the word "substantially" is there essentially to permit the exclusion of certain countries under a UN embargo). This would make EU ODA to the LDCs/HIPCs tied, and would imply that the EU is derogating unilaterally from earlier agreements made in the multilateral framework of the OECD-DAC of which the Commission is a full member. It would also not be compatible with Accra and Busan commitments, especially the latter, made only recently in a "Global Partnership for Development".*

### **Amendment 47**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 1 - point f**

##### *Text proposed by the Commission*

(f) a Member State of the OECD-DAC, in the case of contracts implemented in a Least Developed Country, as **defined by** the OECD-DAC.

##### *Amendment*

(f) a Member State of the OECD, in the case of contracts implemented in a Least Developed Country **or a Highly Indebted Poor Country (HIPC)**, as **included in the DAC list of ODA Recipients published by** the OECD-DAC.

### *Justification*

*To bring the rules on procurement and award of contracts in line with the DAC recommendation on untying ODA to the LDCs and HIPCs of 2001 and 2008: to be consistent with the recommendation, this provision must cover member States of the OECD (not OECD-DAC), as the OECD-DAC definition of unties aid includes the eligibility of all OECD members (and not only DAC ones: not all OECD members are DAC members). To be consistent with the recommendation, the provisions should also cover the case of contracts implemented in a HIPC.*

### **Amendment 48**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 2 - point a**

##### *Text proposed by the Commission*

(a) countries having traditional economic, trade or geographical links with neighbouring beneficiary countries, or

##### *Amendment*

(a) countries having traditional economic, trade or geographical links with neighbouring beneficiary countries **or regions**, or

## Amendment 49

### Proposal for a regulation Article 12 – paragraph 1

*Text proposed by the Commission*

1. The Commission shall regularly monitor and review its actions, and evaluate the results of the implementation of sectoral policies and actions, and the effectiveness of programming, where appropriate by means of independent external evaluations, in order to ascertain whether the objectives have been met and to enable it to formulate recommendations with a view to improving future operations.

*Amendment*

1. The Commission shall regularly monitor and review its actions, and evaluate the results of the implementation of sectoral policies and actions, and the effectiveness of programming, where appropriate by means of independent external evaluations, in order to ascertain whether the objectives have been met and to enable it to formulate recommendations with a view to improving future operations. ***These evaluations shall be carried out on the basis of pre-defined, clear, transparent and measurable indicators. Proposals by the European Parliament or the Council for independent external evaluations will be taken into due account.***

*Justification*

*The sentence: “Proposals by the European Parliament...” is already included in the current DCI (Article 33: “Evaluation”)*

## Amendment 50

### Proposal for a regulation Article 12 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall send its evaluation reports to the European Parliament and to the Council ***for information***. Member States may request to discuss specific evaluations in the Committees referred to in Article 15. The results shall feed back into programme design and resource allocation.

*Amendment*

2. The Commission shall send its evaluation reports to the European Parliament and to the Council. ***The European Parliament and*** Member States may request to discuss specific evaluations in the Committees referred to in Article 15. The results shall feed back into programme design and resource allocation.

*Justification*

*Even if the EP is not a member of the management committees, it should be entitled to refer*

*evaluations back to these committees.*

## **Amendment 51**

### **Proposal for a regulation Article 12 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall associate ***to an appropriate extent*** all relevant stakeholders in the evaluation phase of the Union assistance provided under this Regulation.

*Amendment*

3. The Commission shall associate all relevant stakeholders, ***including non-State actors and local authorities***, in the evaluation phase of the Union assistance provided under this Regulation.

*Justification*

*The inclusion of Non-State Actors and Local Authorities is already agreed in the current DCI (Article 33: “Evaluation”).*

## **Amendment 52**

### **Proposal for a regulation Article 13 – paragraph 2**

*Text proposed by the Commission*

2. The ***biennial*** report shall contain information relating to the previous year on the measures financed, the results of monitoring and evaluation exercises, the involvement of ***the*** relevant partners, and the implementation of budgetary commitments and of payments appropriations. It shall assess the results of the Union's financial assistance, ***using as far as possible, specific and measurable indicators of its role in meeting the objectives of the Instruments.***

*Amendment*

2. The ***biennial*** report shall contain information relating to the previous year on the measures financed, the results of monitoring and evaluation exercises, the involvement of ***all*** relevant partners, and the implementation of budgetary commitments and of payments appropriations. It shall assess, ***with a view of achieving the objectives of each Instrument, the complementarity and synergies between the instruments financed under the EU budget, and assess the results of the Union's financial assistance, on the basis of pre-defined, clear, transparent and measurable indicators. For the DCI and for all actions related to Climate Change, the report shall also clearly demonstrate the leverage effect of funds leveraged through the private sector, as well as their contribution to poverty eradication and***

*their alignment to aid effectiveness principles, or, in the case of climate finance, their conformity to UNFCCC priority areas and commitments.*

## Amendment 53

### Proposal for a regulation Article 14

#### *Text proposed by the Commission*

The funding allocated in the context of the Instruments shall be subject to an annual tracking system based on the OECD methodology ('Rio markers'), integrated into the existing methodology for performance management of EU programmes, to quantify the expenditure related to climate action and biodiversity at the level of the action programmes, individual and special measures referred to in Article 2(1), and recorded within evaluations and *biennial* reports. An annual estimate of the overall spending related to climate action and biodiversity shall be made on the basis of the adopted *indicative* programming documents.

#### *Amendment*

The funding allocated in the context of the Instruments shall be subject to an annual tracking system based on the OECD methodology ('Rio markers'), integrated into the existing methodology for performance management of EU programmes, to quantify the expenditure related to climate action and biodiversity at the level of the action programmes, individual and special measures referred to in Article 2(1), and recorded within evaluations and *biennial* reports. An annual estimate of the overall spending related to climate action and biodiversity, *as well as a separate calculation of the funds provided and to be provided to developing countries for climate change mitigation and adaption in accordance with the Union's international commitments*, shall be made on the basis of the adopted *strategic* programming documents.

#### *Justification*

*The disaggregated data on climate change funding are necessary to enable the co-legislators to check on the EU's commitment, made in 2009 at the COP 15 Climate Change conference in Copenhagen, to provide "new and additional resources" for climate change adaptation and mitigation in developing countries.*

## Amendment 54

### Proposal for a regulation

#### Article 15 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. An observer from the European Investment Bank (EIB) shall take part in the committee's proceedings with regard to questions concerning the EIB.***

*Justification*

*This provision is included in most of the current financing instruments.*

## Amendment 55

### Proposal for a regulation

#### Article 15 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The adopted decision shall remain in force for the duration of the adopted or modified document, action programme or measure.

The adopted decision shall remain in force for ***a period to be indicated in*** the adopted or modified document, action programme or measure, ***but not exceeding six months from its adoption.***

*Justification*

*This procedure is proposed by the Commission only for "immediately applicable implementing acts, including amendments to existing action programmes and measures" in cases of emergency. The procedure is the examination procedure, but with an exception which gives Commission the power to "adopt an implementing act which shall apply immediately, without its prior submission to a committee, and shall remain in force for a period not exceeding 6 months unless the basic act provides otherwise". Extending this period to the duration of the document (which could be the duration of the Regulation itself) would amount to giving the Commission a blank check, without any possibility for the European Parliament to alter or revoke the decision and with hardly any possibility of exercising scrutiny over it.*

## Amendment 56

### Proposal for a regulation Article 16 – title

*Text proposed by the Commission*

*Review* and evaluation of the Instruments

*Amendment*

***Mid-term review*** and evaluation of the Instruments

## Amendment 57

### Proposal for a regulation Article 16 – paragraph 1

*Text proposed by the Commission*

1. No later than 31 ***December*** 2017, a report ***shall be established by the Commission*** on the achievement of the objectives ***of each of the Instruments*** by means of result and impact indicators measuring the efficiency of the use of resources and the ***European*** added value of the Instruments, in view of a decision on the renewal, modification or suspension of the types of actions implemented under the Instruments. The report shall, in addition, address the scope for simplification, internal and external coherence, the continued relevance of all objectives, ***as well as the contribution of the measures to the Union priorities for smart, sustainable and inclusive growth***. It shall take into account any findings and conclusions on the long-term impact of the Instruments.

*Amendment*

1. No later than 31 ***March*** 2017, ***the Commission shall submit to the European Parliament and the Council*** a report ***evaluating the implementation of each Instrument and of this Regulation in the first three years, and on*** the achievement of the objectives by means of result and impact indicators measuring the efficiency of the use of resources and the added value of the Instruments, in view of a decision on the renewal, modification or suspension of the types of actions implemented under the Instruments. The report shall, in addition, address the scope for simplification, internal and external coherence, ***including Policy Coherence for Development, as well as*** the continued relevance of all objectives. It shall take into account any findings and conclusions on the long-term impact of the Instruments.

### *Justification*

1. *The sentence “the Commission shall submit ...” is already present in the current DCI (Article 40: “Review”)*
2. *What should be assessed is not only “European added value”, but also added value towards the achievement of the objectives of the instruments themselves.*
3. *The sentence “contribution to the EU priorities for smart, sustainable and inclusive growth” should be deleted – it is not relevant for all instruments in the area of external action*

*(e.g. DCI, IfS, EIDHR) and should therefore be included in the specific Instruments, where relevant.*

4. *The obligation for Policy Coherence for Development of all EU actions is contained in Article 208 TFEU.*

### **Amendment 58**

#### **Proposal for a regulation Article 17 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

It shall apply from 1 January 2014.

It shall apply from 1 January 2014 ***to 31 December 2020***

#### *Justification*

*An expiry date for the new Regulations should be included. This should coincide with the duration of the new MFF.*

## PROCEDURE

<b>Title</b>	Establishing common rules and procedures for the implementation of the Union's instruments for external action
<b>References</b>	COM(2011)0842 – C7-0494/2011 – 2011/0415(COD)
<b>Committee responsible</b> Date announced in plenary	AFET 19.1.2012
<b>Opinion by</b> Date announced in plenary	DEVE 19.1.2012
<b>Associated committee(s) - date announced in plenary</b>	14.6.2012
<b>Rapporteur</b> Date appointed	Thijs Berman 25.1.2012
<b>Discussed in committee</b>	4.6.2012
<b>Date adopted</b>	19.6.2012
<b>Result of final vote</b>	+: 27 -: 0 0: 0
<b>Members present for the final vote</b>	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
<b>Substitute(s) present for the final vote</b>	Agustín Díaz de Mera García Consuegra, Gesine Meissner, Csaba Őry, Judith Sargentini, Patrizia Toia
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Ioan Enciu, Gabriele Zimmer



22.6.2012

## 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 common rules and procedures for the implementation of the Union's instruments for external action

(COM(2011)0842 – C7-0494/2011 – 2011/0415(COD))

Rapporteur: Laima Liucija Andrikienė

### 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 7

###### *Text proposed by the Commission*

(7) The common set of rules and procedures should be consistent with the financial rules applicable to the annual budget of the Union laid down in a Regulation of the European Parliament and of the Council, hereinafter referred to as "the Financial Regulation", ***such reference being made in all instances to the latest version of that Regulation in force***, and including the corresponding rules adopted by the Commission for implementing the Financial Regulation.

###### *Amendment*

(7) The common set of rules and procedures should be consistent with the financial rules applicable to the annual budget of the Union laid down in a Regulation of the European Parliament and of the Council, hereinafter referred to as "the Financial Regulation", and including the corresponding rules adopted by the Commission for implementing the Financial Regulation.

## Amendment 2

### Proposal for a regulation Article 1 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall ensure that actions are implemented in accordance with the objectives of the applicable Instrument, and in conformity with an effective protection of the financial interests of the Union. The financial assistance provided on the basis of the Instruments shall be consistent with the rules and procedures laid down in the Financial Regulation, which provides the basic financial and legal framework for their implementation.

*Amendment*

2. The Commission shall ensure that actions are ***effectively and efficiently*** implemented in accordance with the objectives of the applicable Instrument, and in conformity with an effective protection of the financial interests of the Union. The financial assistance provided on the basis of the Instruments shall be consistent with the rules and procedures laid down in the Financial Regulation, which provides the basic financial and legal framework for their implementation.

## Amendment 3

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

*Text proposed by the Commission*

***3. In applying this Regulation, the Commission shall, where possible and appropriate in light of the nature of the action, favour the use of the most flexible procedures in order to ensure an effective and efficient implementation.***

*Amendment*

***deleted***

*Justification*

*Related to amendment to Article 1(2).*

## Amendment 4

### Proposal for a regulation Article 2 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

Exceptionally, ***in particular*** where an action programme has not yet been adopted, the Commission may, on the basis

*Amendment*

Exceptionally, where an action programme has not yet been adopted, the Commission may, on the basis of the indicative

of the indicative programming documents, adopt individual measures under the same rules and procedures as for action programmes.

programming documents, adopt individual measures under the same rules and procedures as for action programmes.

## Amendment 5

### Proposal for a regulation

#### Article 2 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

That procedure shall not be required for action programmes and measures below the above-mentioned thresholds, and for non substantial amendments thereto. Non-substantial amendments are technical adjustments such as 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 substantially affect the objectives of the initial action programme or measure. In such case, action programmes and measures and non-substantial amendments thereto shall be communicated to the European Parliament and to the Council within one month of their adoption.

##### *Amendment*

That procedure shall not be required for action programmes and measures below the above-mentioned thresholds, and for non substantial amendments thereto. Non-substantial amendments are technical adjustments such as extending the implementation period, reassigning funds within the forecast budget, or increasing or reducing the size of the budget by less than **10%** of the initial budget, provided these amendments do not substantially affect the objectives of the initial action programme or measure. In such case, action programmes and measures and non-substantial amendments thereto shall be communicated to the European Parliament and to the Council within one month of their adoption.

## Amendment 6

### Proposal for a regulation

#### Article 2 – paragraph 4

##### *Text proposed by the Commission*

4. Appropriate environmental screening, ***including for climate change and biodiversity impacts***, shall be undertaken at project level including where applicable environmental impact assessment (EIA) for environmentally sensitive projects, in particular for major new infrastructure. Where relevant, strategic environmental assessments (SEA) shall be used in the implementation of sectoral programmes.

##### *Amendment*

4. Appropriate environmental screening shall be undertaken at project level including where applicable environmental impact assessment (EIA) for environmentally sensitive projects, in particular for major new infrastructure. Where relevant, strategic environmental assessments (SEA) shall be used in the implementation of sectoral programmes. The involvement of ***all major*** stakeholders

The involvement of *interested* stakeholders in environmental assessments and public access to the results shall be ensured.

in environmental assessments and public access to the results shall be ensured.

## Amendment 7

### Proposal for a regulation

#### Article 4 – paragraph 1 – subparagraph 1 – introductory wording

*Text proposed by the Commission*

*Amendment*

1. The Union's financial assistance may be provided, *inter alia*, through the following types of financing envisaged by the Financial Regulation:

1. The Union's financial assistance may be provided through the following types of financing envisaged by the Financial Regulation:

## Amendment 8

### Proposal for a regulation

#### Article 4 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

In the case of parallel co-financing, an action *is* split into a number of clearly identifiable components which are each financed by the different partners providing co-financing in such a way that the end-use of the financing can always be identified.

In the case of parallel co-financing, an action *shall be* split into a number of clearly identifiable components which are each financed by the different partners providing co-financing in such a way that the end-use of the financing can always be identified.

## Amendment 9

### Proposal for a regulation

#### Article 4 – paragraph 5 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

In the case of joint co-financing, the total cost of an action *is* shared between the partners providing the co-financing and the resources are pooled in such a way that it is no longer possible to identify the source of financing for any given activity undertaken as part of the action.

In the case of joint co-financing, the total cost of an action *shall be* shared between the partners providing the co-financing and the resources are pooled in such a way that it is no longer possible to identify the source of financing for any given activity undertaken as part of the action.

## Amendment 10

### Proposal for a regulation

#### Article 9 – paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

*(da) for the PI, developed countries playing a prominent role in the international economy and trade, in multilateral fora, in global governance and in addressing challenges of global concern and where the Union has significant interests;*

## Amendment 11

### Proposal for a regulation

#### Article 12 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The Commission shall send its evaluation reports to the European Parliament and to the Council for information. *Member States may request to discuss specific evaluations in the Committees referred to in Article 15.* The results shall feed back into programme design and resource allocation.

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.

## Amendment 12

### Proposal for a regulation

#### Article 12 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The Commission shall associate *to an appropriate extent* all *relevant* stakeholders in the evaluation phase of the Union assistance provided under this Regulation.

3. The Commission shall associate all *major* stakeholders in the evaluation phase of the Union assistance provided under this Regulation.

## Amendment 13

### Proposal for a regulation Article 13 – title

*Text proposed by the Commission*

*Biennial* report

*Amendment*

*Annual* report

## Amendment 14

### Proposal for a regulation Article 13 – paragraph 1

*Text proposed by the Commission*

1. The Commission shall examine the progress made in implementing the measures of financial assistance taken in external action and shall submit to the European Parliament and to the Council a report every *two years starting in 2016* on the implementation and results and, as far as possible, on the main outcomes and impacts of the Union's financial assistance. This report shall also be submitted to the European Economic and Social Committee and to the Committee of the Regions.

*Amendment*

1. The Commission shall examine the progress made in implementing the measures of financial assistance taken in external action and shall submit to the European Parliament and to the Council a report every *year* on the implementation and results and, as far as possible, on the main outcomes and impacts of the Union's financial assistance. This report shall also be submitted to the European Economic and Social Committee and to the Committee of the Regions.

## Amendment 15

### Proposal for a regulation Article 13 – paragraph 2

*Text proposed by the Commission*

2. The *biennial* report shall contain information relating to the previous year on the measures financed, the results of monitoring and evaluation exercises, the involvement of the relevant partners, and the implementation of budgetary commitments and of payments appropriations. It shall assess the results of the Union's financial assistance, using as far as possible, specific and measurable indicators of its role in meeting the objectives of the Instruments.

*Amendment*

2. The *annual* report shall contain information relating to the previous year on the measures financed, the results of monitoring and evaluation exercises, the involvement of the relevant partners, and the implementation of budgetary commitments and of payments appropriations. It shall assess the results of the Union's financial assistance, using as far as possible, specific and measurable indicators of its role in meeting the objectives of the Instruments.

## Amendment 16

### Proposal for a regulation Article 14

#### *Text proposed by the Commission*

The funding allocated in the context of the Instruments shall be subject to an annual tracking system based on the OECD methodology ('Rio markers'), integrated into the existing methodology for performance management of EU programmes, to quantify the expenditure related to climate action and biodiversity at the level of the action programmes, individual and special measures referred to in Article 2(1), and recorded within evaluations and *biennial* reports. An annual estimate of the overall spending related to climate action and biodiversity shall be made on the basis of the adopted indicative programming documents.

## Amendment 17

### Proposal for a regulation Article 16 – paragraph 1

#### *Text proposed by the Commission*

1. No later than **31 December** 2017, a report shall be established by the Commission on the achievement of the objectives of each of the Instruments by means of result and impact indicators measuring the efficiency of the use of resources and the European added value of the Instruments, in view of a decision on the renewal, modification or suspension of the types of actions implemented under the Instruments. The report shall, in addition, address the scope for simplification, internal and external coherence, the continued relevance of all objectives, as well as the contribution of the measures to the Union priorities for smart, sustainable and inclusive growth. It shall take into

#### *Amendment*

The funding allocated in the context of the Instruments shall be subject to an annual tracking system based on the OECD methodology ('Rio markers'), integrated into the existing methodology for performance management of EU programmes, to quantify the expenditure related to climate action and biodiversity at the level of the action programmes, individual and special measures referred to in Article 2(1), and recorded within evaluations and *annual* reports. An annual estimate of the overall spending related to climate action and biodiversity shall be made on the basis of the adopted indicative programming documents.

#### *Amendment*

1. No later than **30 June** 2017, a report shall be established by the Commission on the achievement of the objectives of each of the Instruments by means of result and impact indicators measuring the efficiency of the use of resources and the European added value of the Instruments, in view of a decision on the renewal, modification or suspension of the types of actions implemented under the Instruments. The report shall, in addition, address the scope for simplification, internal and external coherence, the continued relevance of all objectives, as well as the contribution of the measures to the Union priorities for smart, sustainable and inclusive growth. It shall take into account any findings and

account any findings and conclusions on the long-term impact of the Instruments.

conclusions on the long-term impact of the Instruments.

## **Amendment 18**

### **Proposal for a regulation Article 17 – paragraph 1**

*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.

*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.***

*Justification*

*Related to amendment to Article 17(3)*

## **Amendment 19**

### **Proposal for a regulation Article 17 – paragraph 3**

*Text proposed by the Commission*

***It shall apply from 1 January 2014.***

*Amendment*

***deleted***

*Justification*

*Related to amendment to Article 17(1)*



## PROCEDURE

<b>Title</b>	Establishing common rules and procedures for the implementation of the Union's instruments for external action
<b>References</b>	COM(2011)0842 – C7-0494/2011 – 2011/0415(COD)
<b>Committee responsible</b> Date announced in plenary	AFET 19.1.2012
<b>Opinion by</b> Date announced in plenary	INTA 19.1.2012
<b>Rapporteur</b> Date appointed	Laima Liucija Andrikienė 29.2.2012
<b>Discussed in committee</b>	29.5.2012
<b>Date adopted</b>	21.6.2012
<b>Result of final vote</b>	+: 23 –: 4 0: 2
<b>Members present for the final vote</b>	William (The Earl of) Dartmouth, Laima Liucija Andrikienė, John Attard-Montalto, Maria Badia i Cutchet, Daniel Caspary, María Auxiliadora Correa Zamora, Marielle de Sarnez, Harlem Désir, 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
<b>Substitute(s) present for the final vote</b>	Amelia Andersdotter, George Sabin Cutaș, Syed Kamall, Elisabeth Köstinger, Marietje Schaake, Konrad Szymański, Jarosław Leszek Wałęsa, Pablo Zalba Bidegain
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Richard Ashworth, Françoise Castex, Philip Claeys, Marielle Gallo, Carl Schlyter

11.7.2012

## 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 common rules and procedures for the implementation of the Union's instruments for external action

(COM(2011)0842 – C7-0494/2011 – 2011/0415(COD))

Rapporteur: Nadezhda Neynsky

### SHORT JUSTIFICATION

The regulation, establishing the common rules and procedures for the implementation of the Union's instruments for external action, will serve as a horizontal framework in accordance with the objectives of the Agenda for Simplification for the 2014 - 2020 Multiannual Financial Framework and by providing unified and harmonised rules for the EU geographic (the Development Cooperation Instrument, European Neighbourhood Instrument, Instrument for Pre-accession Assistance and the Partnership Instrument) and thematic (Instrument for Stability, European Instrument for Democratic and Human Rights and Instrument for Nuclear Safety and Cooperation) external action instruments.

*Simplified rules and procedures* for programming and delivering EU assistance, especially in the context of a revised Financial Regulation, are proposed horizontally for all external instruments to ensure more effective delivery of EU assistance:

- Establishes the framework for more cost-effective internal management through reduction of the administrative burden.
- High degree of harmonisation of financial provisions within and across instruments which should create synergies and improve overall legal certainty.
- Creates provisions that should ensure the EU is equipped with a sufficient degree of flexibility to rapidly react to any unforeseen events and needs of beneficiaries.
- Ensures that its provisions appropriately account for the specificities of external actions and its financing instruments in the context of the new Financial Regulation
- Strengthens the coordination of aid provided by the EU, Member States and other donors

#### Budgetary Implications:

Your rapporteur would like to reiterate the position adopted by the Parliament in the SURE

Resolution that the Union needs sufficient level of financial resources in order to meet its commitments and this is equally important for the field of external actions, where the Union is expected to contain its role as a global political player.

The Commission proposes that an amount of 54.683 billion euros in constant 2011 prices is dedicated to the four geographic and three thematic instruments. This constitutes an increase of 17.9% over the amount for the current multi-annual financial framework. Your Rapporteur would like to advise on the systematic use of constant prices in debates and discussions as such an approach presents a more valid ground for comparisons, especially between period-on-period multi-annual frameworks. Your Rapporteur also suggests that such discussions are not purely introspective but also take into consideration the development of other important metrics as their relevance may vary according to the specificities of each Instrument.

Your Rapporteur would like to recommend that the Commission produces a document at mid-term that consolidates information on all funding that is governed by this Regulation but potentially all external funding in the broad remit and which may not be confined only to Heading 4, and offers a breakdown of spending by *inter alia* beneficiary country, general area of application of the funds, use of financial instruments, commitments and payments, level of participation of partners. Your Rapporteur feels that such a document would greatly increase transparency on how and where EU funding is spent and improve the oversight on complementarity and coherence across financial instruments and initiatives.

#### Shortcomings of the proposal:

Your rapporteur suggests to explicitly highlight the interoperability between the provisions of the currently negotiated Financial Regulation and the Proposal for a Regulation establishing common rules and procedures for the implementation of the Union's instruments for external action.

In detail, the proposed amendments are directed towards:

- strengthening and clarification of the implementing procedures and financing decisions in order to ensure transparent, just and fair use of EU funds in all cases of external action
- improved reporting and monitoring, including a mid-term review of the Common Implementing Regulation itself;
- further improvement of the consistency, coherence and coordination of the funds available both internally in the EU and from international donors;
- stricter control of the use of financial instruments with a review of their suitability every five years

In addition, the Rapporteur would like to draw attention to the multiple definitions of urgency and special cases in the text which should be clarified and unified in order to improve the legal certainty on how and when EU should and can react to around-the-world crises. The Rapporteur reminds that the present definition, as delegated by the Financial Regulation can be found in Article 168 Para 2 of the Commission regulation No. 2342/2002 (Implementing Rules) and will foreseeably be subject to adaptation.

**While the financial instruments of the EU shall not aim at replacing those of a Member**

**State, private funding or another financial EU intervention, the Commission seek to ensure consistency and complementarity of funding in order to create budgetary synergies by pooling resources and expertise with partners. Innovative financial instruments create a multiplier effect for the EU budget by facilitating and attracting other public and private financing for projects of EU interest but this should not be done at the expense of the rightful use of EU funds. As such, it is of utmost importance that financial leverage should not compromise the best practices as introduced by the currently negotiated Financial Regulation. In the same context, budgetary considerations should also provide a fine balance for better alignment of the goals of EU internal policies with external objectives through mainstreaming of initiatives such as the Europe 2020 strategy, democracy, rule of law, human rights, entrepreneurship and environmental protection.**

The Rapporteur would like to draw attention to the provisions of Articles 6, 9, 10 and 11 of the current proposal which provide for the specific needs of each or a group of instruments. These articles are against the fundamental idea of the regulation to provide only for horizontal, universal provisions. Your Rapporteur recognises that the particularities of each instrument call for a limited set of individual rules but would like to strongly urge that these articles are placed, where appropriate, in the specific legislative proposals of the respective instrument to which linked. As such, the Common Implementing Regulation should retain its governing role only on conditions and procedures that are truly universal for the field of external action or for the field of general conduct when using Union's financial instruments.

## **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 1a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. 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"<sup>1</sup>; 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, if 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;*

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<sup>1</sup> *Texts adopted, P7\_TA(2011)0266.*

## **Amendment 2**

### **Proposal for a regulation Recital -1 (new)**

*Text proposed by the Commission*

*Amendment*

*(-1) Improving the implementation and quality of spending should constitute a guiding principle for achieving the objectives of external instruments whilst ensuring optimal use of the Union's financial resources.*

## **Amendment 3**

### **Proposal for a regulation Recital -1 a (new)**

*Text proposed by the Commission*

*Amendment*

*(-1a) It is important to ensure sound financial management of the Union's external instruments and their implementation in the most effective and user-friendly manner possible, whilst also ensuring legal certainty and the accessibility of the instruments to all participants.*

## Amendment 4

### Proposal for a regulation Recital 3

*Text proposed by the Commission*

(3) The financing decisions should take the forms of Annual or Multiannual Action programmes and Individual Measures when following the planning provided for by the multiannual indicative programming, *of* Special Measures where required by unforeseen *and* justified needs, and of Support Measures.

*Amendment*

(3) The financing decisions should take the forms of *either* Annual or Multiannual Action programmes and Individual Measures when following the planning provided for by the multiannual indicative programming, *or* Special Measures where required by unforeseen *or* justified needs, and of Support Measures *as provided for in Article 3*.

## Amendment 5

### Proposal for a regulation Recital 4

*Text proposed by the Commission*

(4) Taking into account the policy programming or financial execution nature of those implementing acts, in particular their budgetary implications, the examination procedure should in general be used for their adoption, except for measures of a small financial scale. However, the Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so requires.

*Amendment*

(4) Taking into account the policy programming or financial execution nature of those implementing acts, in particular their budgetary implications, the examination procedure should in general be used for their adoption, except for measures of a small financial scale. However, the Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so requires. ***The European Parliament should be duly and promptly informed thereof. All measures adopted should also take into account the relevant provisions of Regulation (EU) No [...] of the European Parliament and of the Council on the financial rules applicable to the annual budget of the Union (hereinafter "the financial rules").***

## Amendment 6

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) In financing decisions the description of each action, specifying its objectives, main activities, ***expected*** results, ***prospective*** budget ***and*** timetable and performance monitoring arrangements should be further approved in accordance with the procedures provided for in Regulation (EU) No 182/2011.

*Amendment*

(5) In financing decisions the description of each action, specifying its ***defined*** objectives, main activities, ***intended*** results, budget, ***agreed*** timetable and performance monitoring arrangements should be further approved in accordance with the procedures provided for in Regulation (EU) No 182/2011.

**Amendment 7**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

(6) For the implementation of financial instruments, when the management of the operation is entrusted to a financial intermediary, the Commission decision should cover in particular provisions concerning risk-sharing, the remuneration of the intermediary responsible for implementation, the use and re-use of the funds and the possible profits.

*Amendment*

(6) For the implementation of financial instruments, when the management of the operation is entrusted to a financial intermediary, the Commission decision should cover in particular provisions concerning risk-sharing, the remuneration of the intermediary responsible for implementation, the use and re-use of the funds and the possible profits ***and the reporting obligations and control mechanisms, taking into account the relevant provisions of the financial rules. When financial instruments are no longer deemed to be needed, they may be terminated in accordance with the conditions laid down in this Regulation.***

**Amendment 8**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) While financing needs of the Union's external assistance are increasing, the

*Amendment*

(8) While financing needs of the Union's external assistance are increasing, the

economic and budgetary situation of the Union limits the resources available for such assistance. The Commission must therefore seek the most efficient use of available resources, in particular by using financial instruments that have a leverage effect. *Such leverage effect is increased by allowing funds invested and generated by the financial instruments to be used and re-used.*

economic and budgetary situation of the Union limits the resources available for such assistance. The Commission *should aim to create budgetary synergies between national, Union, multilateral and international measures and existing instruments by avoiding any potential overlap, and* must therefore seek the most efficient use of available resources *without compromising the just and fair use of the Union's resources*, in particular by using financial instruments that have a leverage effect, allowing funds invested and generated by the financial instruments to be used and re-used *in accordance with the relevant provisions of the financial rules.*

## Amendment 9

### Proposal for a regulation Recital 10

#### *Text proposed by the Commission*

(10) Further provisions should be made for financing methods, the protection of the Union's financial interests, rules on nationality and origin, and evaluation of the Instruments,

#### *Amendment*

(10) Further provisions should be made for financing methods, the protection of the Union's financial interests, rules on nationality and origin, *evaluation of actions, reporting and review* and evaluation of the Instruments.

## Amendment 10

### Proposal for a regulation Recital 10 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(10a) Whenever new structures or initiatives for the support of Union external actions are being established, they should be financed with fresh money, should merit sufficient budgetary allocations and should not crowd out financing for existing Union external instruments,*



## Justification

*Ensures that the establishment of new structures or initiatives does not compromise the rightful and objective use of programmed funds.*

### Amendment 11

#### Proposal for a regulation

##### Article 1 – paragraph 3

*Text proposed by the Commission*

3. In applying this Regulation, the Commission shall, where possible and appropriate in light of the nature of the action, favour the use of the most flexible procedures in order to ensure an effective and efficient implementation.

*Amendment*

3. In applying this Regulation, the Commission shall, where possible and appropriate in light of the nature of the action, favour the use of the most flexible procedures in order to ensure an effective and efficient implementation ***without prejudice to the powers of the budgetary authority.***

### Amendment 12

#### Proposal for a regulation

##### Article 2 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

1. The Commission shall adopt annual or multi-annual action programmes, where required based on the indicative programming documents referred to in the applicable Instrument.

*Amendment*

1. The Commission shall adopt annual or multi-annual action programmes, where required based on the ***general and global priority axes envisaged in the*** indicative programming documents referred to in the applicable Instrument.

### Amendment 13

#### Proposal for a regulation

##### Article 2 – paragraph 4

*Text proposed by the Commission*

4. Appropriate environmental screening, ***including for climate change and biodiversity impacts, shall be undertaken at project level including where applicable environmental impact assessment (EIA)***

*Amendment*

4. Appropriate environmental screening ***shall be carried out in accordance with the legislation in force and the provisions of Directive 2011/92/EU of the European Parliament and of the Council of 13***

*for environmentally sensitive projects, in particular for major new infrastructure.*

Where relevant, strategic environmental assessments (SEA) shall be used in the implementation of sectoral programmes.

*The involvement of interested stakeholders in environmental assessments and public access to the results shall be ensured.*

*December 2011 on the assessment of the effects of certain public and private projects on the environment*

*(codification)<sup>1</sup>, "the Environmental Impact Assessment Directive (EIA)".*

Where relevant, strategic environmental assessments (SEA) shall be used in the implementation of sectoral programmes.

*The EIA shall be made publicly available and used in the decision-making process.*

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<sup>1</sup> OJ L 26, 28.1.2012, p. 26.

#### Amendment 14

##### Proposal for a regulation

##### Article 3 – paragraph 2 – introductory wording

*Text proposed by the Commission*

2. Provided that the activities listed in points (a), (b) and (c) are **related** to the general objectives of the applicable Instrument implemented through the action, Union financing may cover

*Amendment*

2. Provided that the activities listed in points (a), (b) and (c) are **directly linked** to the general objectives of the applicable Instrument implemented through the action, Union financing may cover:

#### Amendment 15

##### Proposal for a regulation

##### Article 3 – paragraph 3

*Text proposed by the Commission*

3. Support measures may be financed outside the scope of indicative programming documents. **Where applicable, the Commission shall adopt support measures in accordance with the advisory procedure referred to in Article 15(2).**

*Amendment*

3. Support measures may be financed **in a way proportionate to their objectives** outside the scope of indicative programming documents.

## Amendment 16

### Proposal for a regulation

#### Article 4 – paragraph 6 – point c

*Text proposed by the Commission*

(c) contributions to the costs necessary to set up and administer a public-private partnership, and

*Amendment*

(c) **proportionate** contributions to the costs necessary to set up and administer a public-private partnership, and

## Amendment 17

### Proposal for a regulation

#### Article 4 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. All revenues generated by the termination of a financial instrument managed by a financial intermediary shall be assigned to the corresponding external action instrument as internal assigned revenue. Every five years, the Commission shall examine the contribution made to the achievement of Union objectives, and the effectiveness, of existing financial instruments. Where it is decided to terminate a financial instrument, the decision in that regard shall be adopted in accordance with Article 15(3).**

## Amendment 18

### Proposal for a regulation

#### Article 4 – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

**6b. The use of innovative financial instruments and cooperation with international financial institutions shall be based on the common Union standards and best practices on the use of Union funds and reporting, as laid down in the financial rules and other relevant Union legislation.**

## Amendment 19

### Proposal for a regulation Article 6 – paragraph 3

*Text proposed by the Commission*

3. Budgetary commitments for actions under the IPA and the ENI extending over more than one financial year may be broken down over several years into annual instalments.

*Amendment*

3. Budgetary commitments for actions under the IPA, ***the DCI, the Partnership Instrument for cooperation with third countries*** and the ENI extending over more than one financial year may be broken down over several years into annual instalments.

## Amendment 20

### Proposal for a regulation Article 6 – paragraph 1 – point c – point iii - subparagraph 2 (new)

*Text proposed by the Commission*

*Amendment*

***For grants mentioned under point (iii), a specific agreement shall be concluded between the Commission and beneficiaries, including provisions on mandatory regular reporting and clear performance indicators.***

## Amendment 21

### Proposal for a regulation Article 6 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 6a***

#### ***Reporting on expenditure related to external action***

***The Commission shall set out, in part VII of the Working Document on expenditure related to external action for the budgetary year n+1, a breakdown by country and instrument, and by commitments and payments, for each of the measures referred to in Article 3, Article 4(1) and Article 6(1).***

## **Amendment 22**

### **Proposal for a regulation Article 12**

*Text proposed by the Commission*

*Amendment*

#### **Article 12**

**deleted**

#### ***Evaluations of actions***

***1. The Commission shall regularly monitor and review its actions, and evaluate the results of the implementation of sectoral policies and actions, and the effectiveness of programming, where appropriate by means of independent external evaluations, in order to ascertain whether the objectives have been met and to enable it to formulate recommendations with a view to improving future operations.***

***2. The Commission shall send its evaluation reports to the European Parliament and to the Council for information. Member States may request to discuss specific evaluations in the Committees referred to in Article 15. The results shall feed back into programme design and resource allocation.***

***3. The Commission shall associate to an appropriate extent all relevant stakeholders in the evaluation phase of the Union assistance provided under this Regulation.***

#### *Justification*

*See Amendment 26, 27, - Article 12 should be moved from Title III to Title IV of the proposal with some amendments.*

## Amendment 23

### Proposal for a regulation Title IV – Article 12 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 12a*

##### *Evaluation of actions*

- 1. The Commission shall annually monitor and review its actions, assessing whether the objectives have been properly defined, and shall evaluate the results of the implementation of sectorial policies and actions and the effectiveness of programming, where appropriate by means of independent external evaluations, in order to ascertain whether the objectives have been met and to enable it to formulate recommendations with a view to improving future operations.*
- 2. The Commission shall send its evaluation reports to the European Parliament and to the Council for information. Member States may request that specific evaluations be discussed in the committees referred to in Article 15. The results of such discussions shall feed back into programme design and resource allocation.*
- 3. The Commission shall, to an appropriate extent, associate all relevant stakeholders in the evaluation phase of the Union assistance provided for under this Regulation.*

#### *Justification*

*See Amendment 26, 27, - Article 12 should be moved from Title III to Title IV of the proposal with some amendments.*

## Amendment 24

### Proposal for a regulation Article 13 – title

*Text proposed by the Commission*

*Biennial* report

*Amendment*

*Biennial* report

## Amendment 25

### Proposal for a regulation Article 13 – paragraph 2

*Text proposed by the Commission*

2. The *biennial* report shall contain information relating to the previous *year* on the measures financed, the results of monitoring and evaluation exercises, the involvement of the relevant partners, and the implementation of budgetary commitments and of payments appropriations. It shall assess the results of the Union's financial assistance, using as far as possible, specific and measurable indicators of its role in meeting the objectives of the Instruments.

*Amendment*

2. The *biennial* report shall contain information relating to the *two* previous *years* on the measures financed, the results of monitoring and evaluation exercises, the involvement of the relevant partners, and the implementation of budgetary commitments and of payments appropriations. It shall assess the results of the Union's financial assistance, using as far as possible, specific and measurable indicators of *both a quantitative and a qualitative nature to assess* its role in meeting *all* the objectives of the Instruments, *and covering all relevant aspects of the instruments (including human rights and the rule of law)*.

## Amendment 26

### Proposal for a regulation Article 15 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

*4a. If appropriate and where relevant, an observer from the European Investment Bank (EIB) shall be invited to attend committee meetings when issues of interest to the EIB are being considered, unless the committee decides otherwise.*

## Amendment 27

### Proposal for a regulation Article 16 – paragraph 1

*Text proposed by the Commission*

1. No later than 31 December 2017, a report shall be established by the Commission on the achievement of the objectives of each of the Instruments by means of **result and impact** indicators measuring the efficiency of the use of resources and the European added value of the Instruments, in view of a decision on the renewal, modification or suspension of the types of actions implemented under the Instruments. The report shall, in addition, address the scope for simplification, internal and external coherence, the continued relevance of all objectives, as well as the contribution of the measures to the Union priorities for smart, sustainable and inclusive growth. It shall take into account any findings and conclusions on the long-term impact of the Instruments.

*Amendment*

1. No later than 31 December 2017, a report shall be established by the Commission on the achievement of the objectives of each of the Instruments **and on the overall performance of, and added value afforded by, this Regulation**, by means of **transparent, clear and specific** indicators measuring the efficiency of the use of resources and the European added value of the Instruments, in view of a decision on the renewal, modification or suspension of the types of actions implemented under the Instruments. The report shall, in addition, address the scope for simplification, internal and external coherence, the continued relevance of all objectives, as well as the contribution of the measures to the Union priorities for smart, sustainable and inclusive growth. It shall take into account any findings and conclusions on the long-term impact of the Instruments.

## Amendment 28

### Proposal for a regulation Article 16 – paragraph 2

*Text proposed by the Commission*

2. This report shall be submitted to the European Parliament and to the Council, and shall be accompanied if appropriate, by legislative proposals introducing the necessary modifications to the Instruments.

*Amendment*

2. This report shall be submitted to the European Parliament and to the Council, and shall be accompanied if appropriate, by legislative proposals introducing the necessary modifications to the Instruments **and to this Regulation**.



## Amendment 29

### Proposal for a regulation

#### Article 16 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***5a. By no later than 31 December 2017, the Commission shall produce a document that consolidates information on all funding governed by this Regulation and all external funding within the broad remit, which may not be confined only to funding under Heading 4, and that offers a breakdown of spending by, inter alia, beneficiary country, general area of application of the funds, use of financial instruments, commitments and payments, and level of participation of partners.***

*Justification*

*Your Rapporteur feels that such a document would greatly increase transparency on how and where EU funding is spent and improve the oversight on complementarity and coherence across financial instruments and initiatives.*

## PROCEDURE

<b>Title</b>	Establishing common rules and procedures for the implementation of the Union's instruments for external action
<b>References</b>	COM(2011)0842 – C7-0494/2011 – 2011/0415(COD)
<b>Committee responsible</b> Date announced in plenary	AFET 19.1.2012
<b>Opinion by</b> Date announced in plenary	BUDG 19.1.2012
<b>Rapporteur</b> Date appointed	Nadezhda Neynsky 15.2.2012
<b>Discussed in committee</b>	21.3.2012
<b>Date adopted</b>	20.6.2012
<b>Result of final vote</b>	+: 32 -: 3 0: 4
<b>Members present for the final vote</b>	Richard Ashworth, Francesca Balzani, Reimer Böge, Zuzana Brzobohatá, Andrea Cozzolino, James Elles, Eider Gardiazábal Rubial, Jens Geier, Ingeborg Gräßle, Estelle Grelier, Lucas Hartong, Jutta Haug, Sidonia Elżbieta Jędrzejewska, Anne E. Jensen, Ivailo Kalfin, Sergej Kozlík, Giovanni La Via, George Lyon, Barbara Matera, Claudio Morganti, Juan Andrés Naranjo Escobar, Nadezhda Neynsky, Dominique Riquet, Alda Sousa, László Surján, Helga Trüpel, Angelika Werthmann
<b>Substitute(s) present for the final vote</b>	Alexander Alvaro, Franziska Katharina Brantner, Lidia Joanna Geringer de Oedenberg, Peter Jahr, Jürgen Klute, Jan Mulder, María Muñoz De Urquiza, Georgios Papastamkos, Paul Rübig, Peter Šťastný, Theodor Dumitru Stolojan
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Bogdan Kazimierz Marcinkiewicz

## POSTUPAK

<b>Naslov</b>	Uspostava zajedničkih pravila i postupaka za provođenje instrumenata Unije za vanjsko djelovanje			
<b>Referentni dokumenti</b>	COM(2011)0842 – C7-0494/2011 – 2011/0415(COD)			
<b>Datum podnošenja EP-u</b>	7.12.2011			
<b>Nadležni odbor</b> Datum objave na plenarnoj sjednici	AFET 19.1.2012			
<b>Odbor(i) čije se mišljenje traži</b> Datum objave na plenarnoj sjednici	DEVE 19.1.2012	INTA 19.1.2012	BUDG 19.1.2012	ITRE 19.1.2012
<b>Odbori koji nisu dali mišljenje</b> Datum odluke	ITRE 27.2.2012			
<b>Pridruženi odbor(i)</b> Datum objave na plenarnoj sjednici	DEVE 14.6.2012			
<b>Izvjestitelj(i)</b> Datum imenovanja	Elmar Brok 6.3.2012			
<b>Razmatranje u odboru</b>	10.7.2012			
<b>Datum usvajanja</b>	5.12.2013			
<b>Rezultat konačnog glasanja</b>	+: –: 0:	45 0 3		
<b>Zastupnici nazočni na konačnom glasanju</b>	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 Muñiz 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			
<b>Zamjenici nazočni na konačnom glasanju</b>	Marije Cornelissen, Kinga Gál, Barbara Lochbihler, Antonio López-Istúriz White, Doris Pack, Ivo Vajgl, Paweł Zalewski			
<b>Zamjenici nazočni na konačnom glasanju prema čl. 187. st. 2.</b>	Hiltrud Breyer			
<b>Datum podnošenja</b>	6.12.2013			