

EUROPEAN PARLIAMENT

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Committee on Development

2004/0219(COD)

14.7.2005

OPINION

of the Committee on Development

for the Committee on Foreign Affairs

on the proposal for a European Parliament and Council regulation on laying down general provisions establishing a European Neighbourhood and Partnership Instrument
(COM(2004)0628 – C6-01292004 – 2004/0219(COD))

Draftsman: Mauro Zani

PA_Leg

SHORT JUSTIFICATION

I. The European Neighbourhood and Partnership Instrument (ENPI): legislative proposal

The European Neighbourhood and Partnership Instrument is one of four new external aid instruments proposed by the Commission as part of a radical restructuring and drastic simplification of legislation in the external policy sphere. These four instruments should complement the other two that already exist so that the end result will be six instruments (three geographical and three thematic) to replace the almost 30 external aid instruments currently in force.

In this context, the ENPI is one of the geographical instruments and aims to enable the Community to make a real commitment to bordering and neighbouring countries. It replaces MEDA and a large part of TACIS and includes the elements of cross-border cooperation previously partly funded by Interreg.

With the aim of developing an area of prosperity and close cooperation between the EU and neighbouring non-candidate countries or 'pre-candidate' countries, the ENPI covers Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority of the West Bank and Gaza, the Russian Federation, Syria, Tunisia and Ukraine. In the case of global, regional or cross-border programmes, other countries, including the Overseas Countries and Territories and countries covered by other instruments, may be eligible.

II. Draftsman's observations

Given that the negotiations on this legislative proposal are taking place within the context of broader interinstitutional negotiations on the other legislative instruments for external assistance, your draftsman has endeavoured to focus on those elements which fall clearly within the jurisdiction of the Development Committee.

In particular, it should be noted that Article 2 of the Regulation ('Scope of assistance') does not reflect the nature of the countries covered by the instrument. In fact, 12 of the 17 countries concerned are regarded by the OECD as developing countries. Despite this, the promotion of development and combating poverty are not mentioned among the main objectives to be promoted (Article 2 (1)) and 'supporting policies aimed at poverty reduction' appears in sixth position in the list of 25 objectives eligible for support (Article 2 (2)).

The aim of the amendments tabled to Article 2 is therefore to clarify the overall and specific objectives by introducing a hierarchy based on the stated objectives of the Community's external assistance and development cooperation. Similarly, the amendments tabled to Article 3 are designed to strengthen the role of international commitments (including UN agreements and, in particular, the Millennium Declaration and the internationally agreed Millennium Development Goals - MDGs) within the overall policy framework for planning assistance under this Regulation.

Your draftsman also feels that it is essential, and within the competence of the Development

Committee, to call for a broadly-based and inclusive approach when adopting the strategy documents and subsequent country, multicountry and thematic programmes, including the participation, among others, of local authorities and civil society organisations. This is consistent with the principle of ownership which should distinguish all the EU's external assistance programmes.

Moreover, although this lies outside the specific jurisdiction of the Development Committee, your draftsman felt it appropriate to make a number of proposals to deal with important issues raised by the European Parliament and which are common to the other three legislative proposals, so as to suggest the direction that might be taken. These common issues are:

- the role of the European Parliament in determining the programme priorities;
- the introduction of an expiry date and a review clause;
- accountability, particularly as the proposal for a regulation fails to set out a clear geographical and thematic allocation of funding, to the detriment of Parliament's budgetary powers.

AMENDMENTS

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

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1
Recital 4 a (new)

(4a) The formation, interpretation, application and implementation of all agreements and measures taken under this Instrument shall accord with the requirements and principles of general international law and with the *acquis communautaire*.

¹ Not yet published in OJ.

Amendment 2
Article 2, paragraph 1

Community assistance under the Neighbourhood and Partnership Instrument shall promote enhanced cooperation and progressive economic integration between the European Union and the partner countries ***and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements.***

Community assistance under the Neighbourhood and Partnership Instrument shall promote:

(a) enhanced cooperation and progressive economic integration between the European Union and the partner countries;

(b) ***the sustainable economic, social and environmental development of the countries involved;***

(c) ***the campaign to eradicate poverty in developing countries;***

(d) ***the development and strengthening of democratic principles, the rule of law and respect for human rights.***

Justification

Article 2, paragraph 1 (Scope of assistance) should give a clear list of all the objectives, bearing in mind that this instrument concerns a region where most of the countries are developing countries and where economic integration with the EU countries is one of the main priorities for obvious geographical reasons. The article has therefore been divided up to set out four overall objectives which are of essential relevance to all stages of cooperation between the EU and the countries concerned, and a list of measures that should be eligible for Community assistance. The partnership and cooperation agreements, association agreements and other present or future agreements are already referred to in the 'policy framework' in Article 3 and it would therefore be redundant to mention them again here.

Amendment 3
Article 2, paragraph 2, point (e)

(e) promoting environmental protection ***and good*** management of natural resources;

(e) promoting environmental protection, ***nature conservation and sustainable*** management of natural resources;

Justification

Nature conservation is adding an additional dimension to the original phrase and indicates that nature is not only good to be "used" but that it also needs to be "conserved" to ensure long term sustainability.

Amendment 4

Article 2, paragraph 2, point (f)

(f) supporting policies aimed at poverty **reduction**:

(f) supporting policies aimed at poverty **eradication and the achievement of the Millennium Development Goals**;

Justification

According to the internationally recognised classification from the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD), more than 70% of the countries covered by the ENPI regulation are developing countries. Since the European Union and its Member States subscribed to the Millennium Development Goals in 2000 they have a special responsibility towards people living in absolute poverty in Moldova, Georgia or Palestine. The cooperation with these countries should then be based on the overarching objectives of EU development policy: the eradication of poverty through the attainment of the MDGs.

Amendment 5

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

(fa) promoting gender equality and women's rights;

Justification

Government representatives who signed the Barcelona Declaration recognized the key role of women in development and undertook to promote their active participation in economic and social life and in the creation of employment.

MEDA Regulations (1 and 2) supported women's education and job creation and recommended taking into account gender balance in the planning and implementation of EU development cooperation (annex 2, 5th objective of MEDA 2 Regulation). In the East, the process of economic transition from central planning to an open market has not been gender-neutral. The dismantling of state support to the family has increased the burden on women for nurturing activities. In Eastern Europe and Central Asia, the growing disadvantage faced by women in education, employment, and health care, is threatening economic growth. It is also undermining efforts to reduce poverty and achieve the Millennium Development Goals. Women are increasingly vulnerable and their welfare is threatened by the rise in human

trafficking.

Amendment 6
Article 2, paragraph 2, point (h)

(h) supporting policies to promote health, education and training;

(h) supporting policies to promote health, education and training, ***including not only the major communicable diseases and non-communicable diseases and disorders, but also access to services and education for good health including on reproductive and infant health for girls and women;***

Amendment 7
Article 2, paragraph 2, point (o)

(o) promoting cooperation in the field of justice and home affairs, including on issues such as asylum and migration and fight against and prevention of terrorism, organized crime, including its financing, money laundering and tax fraud;

(o) promoting cooperation in the field of justice and home affairs, including on issues such as asylum and migration and fight against and prevention of ***trafficking in human beings, in particular women and children***, terrorism, organized crime, including its financing, money laundering and tax fraud;

Justification

Women are increasingly vulnerable and their welfare is threatened by the rise in human trafficking.

Amendment 8
Article 2, paragraph 2, point (s)

(s) promoting understanding between cultures, people-to-people contacts, cooperation between civil societies and exchanges of young people;

(s) promoting understanding between cultures, people-to-people contacts, cooperation between civil societies, ***the integration of emigrants into the society of the country of destination*** and exchanges of young people;

Amendment 9
Article 2, paragraph 2, point (y)

(y) addressing common thematic challenges in fields of mutual concern and any other objectives consistent with the scope of this Regulation. *deleted*

Justification

Given that the list of measures is already very extensive, it can be assumed that every type of action is already covered to some degree.

Amendment 10
Article 3

The partnership and cooperation agreements, the association agreements and other existing or future agreements which establish a relationship with partner countries, and the relevant Commission communications and Council conclusions laying down guidelines for European Union policy towards these countries, shall provide an overall policy framework for the programming of assistance under this Regulation. Jointly agreed action plans or other equivalent documents shall provide a key point of reference for setting assistance priorities.

The ***relevant international agreements and commitments, including UN declarations, agreements and conventions and, in particular, the Millennium Development Goals,*** the partnership and cooperation agreements, the association agreements and other existing or future agreements which establish a relationship with partner countries, and the relevant ***European Parliament resolutions,*** Commission communications and Council conclusions laying down guidelines for European Union policy towards these countries, shall provide an overall policy framework for the programming of assistance under this Regulation. Jointly agreed action plans or other equivalent documents shall provide a key point of reference for setting assistance priorities.

Justification

The relevant international agreements and conventions, such as the Millennium Declaration and the Millennium Development Goals adopted at international level, should always be borne in mind when planning Community assistance. Similarly, relevant European Parliament resolutions should also be taken into account.

Amendment 11
Article 4, paragraph 2

(2) Community assistance under this Regulation shall normally be established in partnership between the Commission and the beneficiaries. The partnership shall involve, **as appropriate**, national, regional and local authorities, economic and social partners, civil society and other relevant bodies.

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Justification

The spirit of the Barcelona process and the second Regulation on MEDA encourage the “participation of civil society and populations in the planning and implementation of development measures”. Civil society and local communities are often well placed to formulate regional priorities for development assistance and crucial in implementing programmes in countries experiencing extreme poverty. Therefore, the role of civil society in consultation, participation, implementation and monitoring of action programmes should be made fully clear, and reinforced through adapted mechanisms and funds.

Amendment 12
Article 4, paragraph 3

(3) The beneficiary countries shall associate the relevant partners **as appropriate**, in particular at regional and local level, in the preparation, implementation and monitoring of programmes and projects.

(3) The beneficiary countries shall associate the relevant partners, in particular at regional and local level, in the preparation, implementation and monitoring of programmes and projects.

Justification

The spirit of the Barcelona process and the second Regulation on MEDA encourage the “participation of civil society and populations in the planning and implementation of development measures”. Civil society and local communities are often well placed to formulate regional priorities for development assistance and crucial in implementing programmes in countries experiencing extreme poverty. Therefore, the role of civil society in consultation, participation, implementation and monitoring of action programmes should be made fully clear, and reinforced through adapted mechanisms and funds.

Amendment 13
Article 5, paragraph (4)a (new)

(4a) All agreements concluded and all measures financed under this Instrument shall be implemented by each contracting party in accordance with the principles and requirements of general international law recognized by the EU, and consistently with the *acquis communautaire*.

Justification

This clause aims to help ensure that the functioning of this instrument remains coherent and consistent with the EU's values, policies, legal engagements, and its own rule of law.

Amendment 14

Article 6, paragraph 1, point (b)

(b) thematic programmes, addressing one or more specific challenges which are common to several partner countries and which may be relevant to one or more Member States;

(b) thematic programmes, addressing one or more specific challenges which are common to several partner countries and which may be relevant to one or more Member States ***on issues such as human rights and the environment;***

Justification

Thematic programmes will be applied be applied to ENP Instrument and to Development Cooperation & Economic Cooperation Instrument. Environment and "people to people issues, including civil society development" are identified in the Communication of the Commission on the ENP Strategy Paper as part of the priorities for regional cooperation. Moreover, the possibility to create thematic programmes on these issues is mentioned in the Annex of the proposal (p. 44), but needs also to be integrated in the text of the new Regulation so that is becomes mandatory.

Amendment 15

Article 7, paragraph 1

1. For country or multicountry and thematic programmes, strategy papers shall be adopted, in accordance with the procedure referred to in Article 26(2). Strategy papers shall reflect the policy framework and the action plans referred to in Article 3. Strategy papers shall be established for a period

1. For country or multicountry and thematic programmes, strategy papers shall be adopted, in accordance with the procedure referred to in Article 26(2). Strategy papers shall reflect the policy framework and the action plans referred to in Article 3 ***and taking into account the priorities expressed***

compatible with the priorities set in the policy framework and shall contain multiannual indicative programmes including indicative multiannual financial allocations. They shall be reviewed as and when necessary and may be revised in accordance with the procedure referred to in Article 26(2).

by the European Parliament within the framework of the interinstitutional strategic dialogue. Strategy papers shall be established for a period compatible with the priorities set in the policy framework and shall contain multiannual indicative programmes including indicative multiannual financial allocations. They shall be reviewed as and when necessary and may be revised in accordance with the procedure referred to in Article 26(2).

Justification

Within the framework of tripartite negotiations (Commission, Council and Parliament) on the package of legislative measures forming part of the EU's external action, it was decided to institute a strategic dialogue on multiannual financial planning so as to involve the European Parliament at the crucial stages of the implementation process. As it is not clear at this stage what form this strategic dialogue will ultimately take, it is impossible to be more precise. However, we feel it is useful to suggest the articles in which reference should be made to that dialogue.

Amendment 16 Article 7, paragraph 1 a (new)

1a. The strategy documents and the subsequent country, multicountry and thematic programmes shall be drawn up following a process of consultation based on broad participation at regional, national and local level of the authorities of the countries concerned, the national parliaments and the main stakeholders, including relevant civil society organisations.

Justification

A broadly-based and inclusive approach is crucial to ensure that programmes reflect the right priorities and there is the ownership of projects that should be found in all the EU's external assistance programmes.

Amendment 17 Article 9, paragraph 5

(5) Joint programmes may be revised at the

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initiative of the participating countries or the Commission to take into account changes in cooperation priorities, socio-economic developments, the results observed from implementation of the measures concerned and from the monitoring and evaluation process, and the need to adjust the amounts of aid available and reallocate resources.

initiative of the participating countries or the Commission to take into account changes in cooperation priorities, socio-economic developments, the results observed from implementation of the measures concerned and from the monitoring and evaluation process, ***in particular when negative environmental and social impacts are identified***, and the need to adjust the amounts of aid available and reallocate resources;

Justification

In some cases, (such as the development of infrastructures in the framework of the TEN-T Network extended to the partner countries), national, regional or cross border co-operation projects funded with EU resources (ENPI and others) may have an overwhelming negative environmental and social impact. It is therefore crucial that the text of the Regulation reflects the necessary revision of the projects when such negative impacts are made clear in the assessments.

Amendment 18

Article 12, paragraph 4

4. The Commission shall send action programmes and joint crossborder cooperation programmes to the Member States for their information within one month of adopting its decision.

4. The Commission shall send action programmes and joint crossborder cooperation programmes to the Member States ***and the European Parliament*** for their information within one month of adopting its decision.

Justification

Seeks to involve the European Parliament to a greater extent in implementing this Regulation.

Amendment 19

Article 13, paragraph 4

4. The Commission shall send the special measures to the Member States for their information within one month of adopting its decision.

4. The Commission shall send the special measures to the Member States ***and the European Parliament*** for their information within one month of adopting its decision.

Justification

See justification for Amendment 18.

Amendment 20 Article 20, paragraph (2)

(2) Agreements shall expressly entitle the Commission and the Court of Auditors to perform a document audit or an on-the-spot audit of any contractor or subcontractor who has received Community funds. They shall also expressly authorise the Commission to carry out on-the-spot checks and inspections, as provided for in Regulation (EC, Euratom) No 2185/96.

(2) Agreements shall expressly entitle the Commission and the Court of Auditors to perform a document audit or an on-the-spot audit of any contractor or subcontractor who has received Community funds, ***including for the purpose of determining whether agreements and measures under this Instrument are being implemented in accordance with the principles of general international law recognised by the EU and consistently with the acquis communautaire.*** They shall also expressly authorise the Commission to carry out on-the-spot checks and inspections, as provided for in Regulations (EC, Euratom) No 2185/96.

Amendment 21 Article 25

The Commission shall examine the progress made on implementing the measures taken under this Regulation and shall submit to the European Parliament and the Council an annual report on the implementation of the assistance. This report shall also be submitted to the European Economic and Social Committee and to the Committee of the Regions. It shall contain information relating to the previous year on the measures financed, the results of monitoring and evaluation exercises, and the implementation of budget commitments and payments broken down by country, region and cooperation sector.

The Commission shall examine the progress made on implementing the measures taken under this Regulation and shall submit to the European Parliament and the Council an annual report on the implementation of the assistance. This report shall also be submitted to the European Economic and Social Committee and to the Committee of the Regions. It 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 budget commitments and the payments broken down by country, region and cooperation sector.

Amendment 22
Article 29

The financial reference amount for implementation of this Regulation over the period 2007-2013 is € 14 929 million. Annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

The financial reference amount for implementation of this Regulation over the period 2007-2013 is € 14 929 million. Annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

The annual budget should include, at least:

- an allocation of the financial resources between the various geographical regions, mainly the partner countries of the Mediterranean and Eastern Europe;***
- a comprehensive framework for the amounts allocated to the various thematic programmes.***

Justification

The simplification and rationalisation of budget lines should not result in geographical and thematic priorities being watered down completely and decided by the Commission on an ad hoc basis without any scrutiny by the budgetary authority. More specifically, a breakdown in advance of the financial resources between the former MEDA and former TACIS countries will ensure a geographical balance based on long-term objectives rather than being determined by last-minute external policy emergencies. Similarly, a breakdown between thematic programmes will ensure a balanced approach consistent with the objective of sustainable economic and social development.

Amendment 23
Article 30

The Commission shall submit to the European Parliament and the Council ***by 31 December 2011 any proposals concerning the future of this Regulation and any amendments that may be necessary.***

The Commission shall submit to the European Parliament and the Council ***no later than 30 June 2010 a report on the first three years of implementation of the programme and a legislative proposal introducing the necessary amendments to the instrument.***

Justification

A standard review clause of this kind will be introduced into all the other instruments

governing the Community's External Assistance.

Amendment 24
Article 32, subparagraph 2

It shall apply from 1 January 2007.

It shall apply from 1 January 2007 **to 31 December 2013.**

Justification

A standard expiry clause of this kind coinciding with the duration of the next financial framework will be inserted into all the other instrument governing the Community's External Assistance.

PROCEDURE

Title	Proposal for a European Parliament and Council regulation on laying down general provisions establishing a European Neighbourhood and Partnership Instrument		
References	COM(2004)0628 – C6-0129/2004 – 2004/0219(COD)		
Committee responsible	AFET		
Committee asked for its opinion Date announced in plenary	DEVE 14.12.2004		
Enhanced cooperation	Yes		
Draftsman Date appointed	Mauro Zani 2.12.2004		
Discussed in committee	18.1.2005	20.6.2005	13.7.2005
Date amendments adopted	13.7.2005		
Result of final vote	for:	27	
	against:	0	
	abstentions:	0	
Members present for the final vote	Alessandro Battilocchio, Margrietus van den Berg, Danutė Budreikaitė, Thierry Cornillet, Michael Gahler, Filip Andrzej Kaczmarek, Glenys Kinnock, Ģirts Valdis Kristovskis, Maria Martens, Miguel Angel Martínez Martínez, Luisa Morgantini, Toomas Savi, Pierre Schapira, Frithjof Schmidt, Feleknas Uca, Anna Záborská, Jan Zahradil, Mauro Zani		
Substitutes present for the final vote	Marie-Hélène Aubert, Milan Gaľa, Fiona Hall, Alain Hutchinson, Raymond Langendries, Bernard Lehideux, Manolis Mavrommatis, Britta Thomsen, Gabriele Zimmer		
Substitutes under Rule 178(2) present for the final vote			