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Committee on Development

2006/0116(COD)

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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 a financing instrument for the promotion of democracy and human rights worldwide (European Instrument for Democracy and Human Rights) (COM(2006)0354 – C6-0206/2006 – 2006/0116(COD))

Draftsman (*): Alessandro Battilocchio

(*): Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

AMENDMENTS

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

Text proposed by the Commission

Amendments by Parliament

Amendment 1

Recital 1, first sentence

(1) A new framework for planning and delivering assistance is proposed in order to make the Community's external assistance more effective.

(1) A new framework for planning and delivering assistance is proposed in order to make the Community's external assistance more effective ***and transparent***.

Justification

It is essential to guarantee citizens and their elected representatives a high standard of transparency in the procedures for the planning and delivery of external assistance.

Amendment 2

Recital 4

(4) The European Consensus on Development jointly agreed by the Council and the representatives of the governments of the Member States meeting within the Council, the European Commission and the European Parliament underlines that "progress in the protection of human rights, good governance and democratisation is fundamental for poverty reduction and sustainable development"

(4) The European Consensus on Development jointly agreed by the Council and the representatives of the governments of the Member States meeting within the Council, the European Commission and the European Parliament underlines that "progress in the protection of human rights, good governance and democratisation is fundamental for poverty reduction and sustainable development". ***Such policies therefore strongly contribute to the achievement of the Millennium Development Goals on poverty eradication, to which the European Union committed itself in 2000 (MDGs);***

Justification

The reference to the European consensus is appropriate, but the Millennium Development Goals should also be mentioned.

Amendment 3

Recital 6

(6) The Community's contribution to the development and consolidation of democracy and the rule of law, and of respect for human rights and fundamental freedoms is rooted in the general principles established by the International Bill of Human Rights, and any other Universal Human Rights Instrument adopted within the framework of the United Nations;

(6) The Community's contribution to the development and consolidation of democracy and the rule of law, and of respect for human rights and fundamental freedoms is rooted in the general principles established by the International Bill of Human Rights, and any other universal human rights instrument adopted within the framework of the United Nations, ***including the MDGs***;

Amendment 4

Recital 6 a (new)

(6a) Community assistance under this Regulation aims also at strengthening the capabilities of national parliaments to foster domestic and regional political stability;

Amendment 5

Recital 8

(8) Human rights may be considered in the light of universally accepted international norms, but ***democracy has to*** be seen as a process, developing from within, involving all sections of society and a range of institutions that should ensure participation, representation, responsiveness and accountability. The task of building and sustaining a culture of human rights and making democracy work for its citizens, though especially urgent and difficult in emerging democracies, is essentially a continuous challenge, belonging first and foremost to the people of the country

(8) Human rights ***and democratic principles and values*** may be considered in the light of universally accepted international norms, but ***the specific procedures for establishing institutions capable of ensuring respect for all democratic and human rights should*** be seen as a process, developing from within, involving all sections of society and a range of institutions that should ensure participation, representation, responsiveness and accountability. The task of building and sustaining a culture of human rights and making democracy work for its citizens, though especially urgent and difficult in

concerned;

emerging democracies, is essentially a continuous challenge, belonging first and foremost to the people of the country concerned **but without diminishing the commitment of the international community**;

Justification

While it needs stressing that the countries concerned are responsible first and foremost for establishing democracy, the commitment of the international community should also be mentioned.

Amendment 6
Recital 9

(9) In order to address the above issues in an effective, timely and flexible manner beyond the expiry of Council Regulation (EC) No 975/1999 and Council Regulation (EC) No 976/1999, which served as the legal base for the European Initiative for Democracy and Human Rights and which expire by 31 December 2006, specific financial resources and a self-contained financing instrument are required that can continue to work in an independent manner whilst remaining complementary to humanitarian aid and long term development and cooperation financing instruments;

(9) In order to address the above issues in an effective, **transparent**, timely and flexible manner beyond the expiry of Council Regulation (EC) No 975/1999 and Council Regulation (EC) No 976/1999, which served as the legal base for the European Initiative for Democracy and Human Rights and which expire by 31 December 2006, specific **and adequate** financial resources and a self-contained financing instrument are required that can continue to work in an independent manner whilst remaining complementary to humanitarian aid and long term development and cooperation financing instruments;

Justification

Language correction.

Amendment 7
Recital 10

(10) Community assistance under this Regulation is designed to complement the various other tools for implementation of EU policies on democracy and human rights, which range from political dialogue and diplomatic demarches to various instruments

(10) Community assistance under this Regulation is designed to complement the various other tools for **the** implementation of EU policies on democracy and human rights, which range from political dialogue and diplomatic demarches to various instruments

of financial and technical cooperation, including both geographic and thematic programmes. It will also complement the more crisis-related interventions of the Instrument for Stability;

of financial and technical cooperation, including both geographic and thematic programmes. It will also complement the more crisis-related interventions of the Instrument for Stability;

Justification

It is essential to guarantee citizens and their elected representatives a high standard of transparency in the procedures for the planning and delivery of external assistance.

Amendment 8
Recital 10 a (new)

(10a) The activities of the beneficiaries funded under this instrument represent the concrete implementation of EU priorities in the fields of democracy and human rights and therefore any obstruction of such activities would amount to a contravention of the essential values of the Union;

Justification

It is necessary to clearly state the importance of the intended action under the instrument, which represent action promoting the fundamental principles and values of the Union underlining that a demonstrable and unjustified obstruction to such action amounts to a contravention of the Union's core values.

Amendment 9
Recital 11

(11) In particular, in addition and complementary to the measures agreed with partner countries in the context of the cooperation pursued under the Instrument for Pre-accession, the European Neighbourhood and Partnership Instrument, the Development Cooperation and Economic Cooperation Instrument, the Cotonou Agreement with ACP countries and the Instrument for Stability, the Community provides assistance under this Regulation that addresses global, regional **and national** human rights and democratisation issues in partnership with civil society;

(11) In particular, in addition and complementary to the measures agreed with partner countries in the context of the cooperation pursued under the Instrument for Pre-accession, the European Neighbourhood and Partnership Instrument, the Development Cooperation and Economic Cooperation Instrument, the Cotonou Agreement with ACP countries and the Instrument for Stability, the Community provides assistance under this Regulation that addresses global, **national**, regional and **local** human rights and democratisation issues in partnership with civil society;

Justification

In addition to the global, regional and national levels, this amendment, like several others following it, adds mention of the local level as a level of action. Action at local level can be appropriate insofar as it comes closest to the concrete concerns of the public. It also corresponds to the realities of certain countries where the accent needs to be laid on the protection of minorities or groups suffering from discrimination.

Amendment 10

Recital 12

(12) Furthermore, whilst democracy and human rights objectives **are** increasingly mainstreamed **in** all external assistance financing instruments, Community assistance under this Regulation will have a specific complementary role by virtue of its global nature and its independence of action from the consent of third country authorities. This makes possible cooperation with civil society on sensitive human rights and democracy issues, providing the flexibility to respond to changing circumstances or to support innovation. It also provides a Community capacity to articulate and support specific objectives and measures at international level, which are neither geographically linked nor crisis related, which may require a transnational approach or involve operations both within the Community and in a range of third countries. It provides the necessary framework for operations such as independent EU election observation requiring policy coherence, a unified management system and common operating standards;

(12) Furthermore, whilst democracy and human rights objectives should **to be** increasingly mainstreamed **across** all external assistance financing instruments, Community assistance under this Regulation will have a specific complementary role by virtue of its global nature and its independence of action from the consent of third country **governments and other public** authorities. This makes possible cooperation with civil society on sensitive human rights and democracy issues, providing the flexibility to respond to changing circumstances or to support innovation. It also provides a Community capacity to articulate and support specific objectives and measures at international level, which are neither geographically linked nor crisis related, which may require a transnational approach or involve operations both within the Community and in a range of third countries. It provides the necessary framework for operations such as independent EU election observation requiring policy coherence, a unified management system and common operating standards;

Justification

This amendment is in the spirit of the proposal, but strengthens it further by specifying the need for independence from government or other public authorities.

Amendment 11

Recital 12 a (new)

(12a) Community assistance under this Regulation should include measures to build capacity for democratically elected parliaments and parliamentarians if the government of the country concerned opposes such capacity-building under the IPA, the European Neighbourhood and Partnership Instrument, the financing instrument for Development Cooperation and Economic Cooperation, the financing Instrument for Stability, and the Cotonou Agreement;

Justification

The strengthening of parliamentary institutions is one of the main levers for establishing and consolidating democracy in third countries, In most cases governments are unwilling to ask for aid for the reinforcement of parliamentary powers. It is thus essential that the Commission should systematically make this a requirement when negotiating national programmes with third-country governments on the basis of the regional instruments. The revised Cotonou Agreement includes explicit provision for parliaments to be beneficiaries of aid. The present instrument, while limited in terms of resources, will also help strengthen the parliamentary institutions as a subsidiary mean.

Amendment 12

Recital 13

(13) The 2001 “Guidelines for strengthening operational coordination between the Community, represented by the Commission, and the Member States in the field of external assistance” emphasise the need for enhanced coordination of **EU** external assistance in the fields of supporting democratisation and promoting respect for human rights and fundamental freedoms worldwide. The Commission and Member States shall ensure that their respective assistance measures are complementary;

(13) The 2001 “Guidelines for strengthening operational coordination between the Community, represented by the Commission, and the Member States in the field of external assistance” emphasise the need for enhanced coordination of **the EU's overall** external assistance in the fields of supporting democratisation and promoting respect for human rights and fundamental freedoms worldwide. The Commission and Member States shall ensure that their respective assistance measures are complementary **and coherent**;

Justification

Coordination must involve the Commission and Member States; in addition, a reference is added to the need for coherence.

Amendment 13

Recital 15

(15) The Commission needs to consult representatives of civil society, as well as other donors and actors, ***as early as appropriate*** in the programming process in order to facilitate their respective contributions and to ensure that assistance activities are as complementary to each other as possible;

(15) The Commission needs to consult ***the European Parliament and*** representatives of civil society, as well as other donors and actors, ***from an early stage*** in the programming process in order to facilitate their respective contributions and to ensure that assistance activities are as complementary to each other as possible ***and that they address the objectives determined in the most efficient and effective way;***

Justification

Consultation should be extended to Parliament and should apply in all cases. The objective of effectiveness is also underlined.

Amendment 14

Recital 16

(16) The Community needs to be able to respond rapidly to unforeseen needs and in exceptional circumstances in order to enhance the credibility and effectiveness of its commitment to the promotion of democracy and human rights in countries where such situations arise. This requires the possibility for the Commission to decide on Special Measures not covered by Strategy Papers. This assistance management instrument corresponds to those included in the other external assistance financing instruments;

(16) The Community needs to be able to respond rapidly to unforeseen needs and in exceptional circumstances in order to enhance the credibility and effectiveness of its commitment to the promotion of democracy and human rights in countries where such situations arise. This requires the possibility for the Commission to decide on Special Measures not covered by Strategy Papers, ***after notifying the European Parliament***. This assistance management instrument corresponds to those included in the other external assistance financing instruments;

Amendment 15

Article 1, paragraph 2, point (-a) (new)

(-a) developing and consolidating democracy and the rule of law;

Justification

The strengthening of democracy and the rule of law needs to be mentioned at this stage.

Amendment 16
Article 1, paragraph 2, point (a)

(a) **enhancing** respect for human rights and fundamental freedoms where they are most at risk and providing support and solidarity to victims of repression and abuse;

(a) **promoting** respect for human rights and fundamental freedoms **at a global level, with particular attention being given to places** where they are most at risk and providing support and solidarity to victims of repression and abuse;

Justification

'Promoting' is stronger and thus more appropriate. While particular attention must be paid to human rights where they are most under threat, it needs to be more clearly stated at this stage that the instrument is conceived for the global level. The death penalty still exists in countries whose human rights records are not among the worst.

Amendment 17
Article 1, paragraph 2, point (c)

(c) supporting the international framework for the protection of human rights, the rule of law and the promotion of democracy;

(c) supporting **and strengthening** the international **and regional** framework for the protection of human rights, the rule of law and the promotion of democracy;

Justification

Strengthening the international and regional protective framework should also be an objective. Thus, some countries have yet to ratify certain international instruments. New instruments, e.g. for non-discrimination, could also be created.

Amendment 18
Article 1, paragraph 2, point (d)

(d) building confidence in democratic electoral processes through **further** development of electoral observation and assistance.

(d) building confidence in democratic electoral processes through **the** development of electoral observation and assistance, **if such observation and assistance cannot be provided through other, more appropriate means; supporting independent civil society organisations and human rights defenders in the post-electoral process with a view to consolidating the democratisation of the countries concerned;**

Amendment 19

Article 1, paragraph 2, point (d a) (new)

(da) fighting against corruption where this cannot be done through other, more appropriate means;

Justification

The fight against corruption should also be mentioned, even if it can be conducted by other means, the present instrument having a complementary and subsidiary role. Corruption often lies at the heart of the state apparatus, and it may therefore happen that the Commission, when negotiating national programmes with third-country governments on the basis of the regional instruments or the Cotonou Agreement, does not manage to obtain full satisfaction in this field. The present instrument may prove a particularly useful complementary resource here.

Amendment 20

Article 2, paragraph 1, point (a) introductory part

(a) support for democracy and processes of democratisation, in particular by strengthening the role of civil society in

(a) support for democracy and processes of democratisation, in particular by strengthening the role of ***democratically elected parliaments and*** civil society in

Amendment 21

Article 2, paragraph 1, point (a), point (ii)

(ii) encouraging participatory decision-making processes at national, regional and local level, and promoting equal participation of men and women in civil society, economic and political life;

(ii) encouraging participatory decision-making processes at national, regional and local level, and promoting ***non-discrimination against minorities, which guarantee the*** equal participation of men and women in civil society, ***and equal opportunities in*** economic and political life;

Justification

Explicit mention should be made of minorities, whose situation is particularly disturbing in a number of countries, and also of equal participation.

Amendment 22

Article 2, paragraph 1, point (a), point (iii)

(iii) fostering mutual respect and pluralism both at the level of civil society and at the

(iii) fostering mutual respect and pluralism both at the level of civil society and at the

political level by promoting freedom of expression and assembly, an independent and responsible media, unimpeded access to information, **and freedom of association**;

political level by promoting freedom of expression, **association** and assembly, an independent and responsible media, **and promoting** unimpeded **and equal** access to informationpart, **in particular for populations living under undemocratic regimes**;

Justification

The aim of this amendment is to group together the freedoms of expression, association and assembly, while also strengthening the reference to the media.

Amendment 23

Article 2, paragraph 1, point (a), point (iv)

(iv) strengthening the rule of law and encouraging legal reform, the independence of the judiciary, the fight against impunity and contributing to the establishment of transitional justice and reconciliation mechanisms, including support to the establishment and functioning of *ad hoc* international tribunals and the International Criminal Court;

(iv) strengthening the rule of law and encouraging legal reform, the independence of the judiciary, the fight against impunity and **corruption and** contributing to the establishment of transitional justice and reconciliation mechanisms, including support to the establishment and functioning of *ad hoc* international tribunals and the International Criminal Court;

Justification

Corruption is mentioned, in line with the amendment to Article 1. The proposed wording on the matter is stronger than what the Commission proposes, i.e. merely to encourage anti-corruption measures (Article 2(1)(a)(v)).

Amendment 24

Article 2, paragraph 1, point (a), point (v)

v) supporting reforms to achieve effective democratic accountability and oversight, including oversight of the security sector, **and encouraging measures against corruption**;

v) supporting reforms to achieve effective **and transparent** democratic accountability and oversight, including oversight of the security sector;

Justification

It is essential to guarantee citizens and their elected representatives a high standard of transparency in the procedures for the planning and delivery of external assistance.

Amendment 25

Article 2, paragraph 1, point (b), point (i)

(i) the abolition of the death penalty, prevention of torture and ill-treatment and rehabilitation of victims ***of torture and human rights abuses***;

(i) the abolition of the death penalty, ***the fight against human-rights abuses, in particular the*** prevention of torture and ill-treatment and ***the*** rehabilitation of victims;

Justification

The fight against torture should be mentioned alongside its prevention.

Amendment 26

Article 2, paragraph 1, point (b), point (ii a) (new)

(ii a) members of parliamentary bodies against whom prosecutions are brought preventing them from carrying out their electoral mandate;

Justification

The aim of this amendment is to extend the scope of the provision by enabling direct aid to parliamentarians who are prosecuted while carrying out their electoral mandate. Recently, parliamentarians have been subjected to arbitrary imprisonment or other forms of persecution by authoritarian regimes, following elections to which the EU had nonetheless sent an observation mission.

Amendment 27

Article 2, paragraph 1, point (b), point (iii)

(iii) the fight against racism and xenophobia, discrimination on any ground;

(iii) the fight against racism and xenophobia, discrimination on any ground, ***such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;***

Justification

It is preferable to spell out the possible forms of discrimination. This list is based on Article 21 of the Charter of Fundamental Rights of the Union.

Amendment 28

Article 2, paragraph 1, point (b), point (iv)

(iv) minorities, ethnic groups and indigenous peoples;

(iv) minorities, ethnic groups and indigenous peoples, ***in particular by combating discrimination against them;***

Justification

The amendment is consistent with the rest of the article, while specifying the need to combat discrimination.

Amendment 29

Article 2, paragraph 1, point (b), point (v)

(v) the rights of women

(v) the rights ***and empowerment*** of women, ***including combating female genital mutilation, forced marriage, honour crimes and any other form of violence against women;***

Justification

To raise awareness of the serious human rights abuses committed against women and to strengthen the text.

Amendment 30

Article 2, paragraph 1, point (b), point (vi)

(vi) the rights of children;

(vi) the rights of children, ***including the fight against child labour, trafficking and prostitution, and the recruitment and use of child soldiers;***

Justification

The amendment specifies the most important violations of children's rights.

Amendment 31

Article 2, paragraph 1, point (b), point (vii)

(vii) core labour standards;

(vii) core labour standards, ***including the promotion of corporate social responsibility;***

Justification

Corporate social responsibility needs to be mentioned.

Amendment 32

Article 2, paragraph 1, point (b), point (vii a) (new)

(vii a) the rights of disabled persons;

Justification

Disabled persons are particularly vulnerable to the violation of their human rights. Their rights are largely and regularly overlooked in the field of human rights and development cooperation. The UN Convention on the Rights of Disabled Persons is to be adopted by the General Assembly in autumn 2006. The new EU human rights instrument should, therefore, recognise the significance of this new UN Convention and the importance of giving explicit reference to the rights of disabled persons in a specific line on the rights of disabled persons.

Amendment 33

Article 2, paragraph 1, point (b), point (vii b) (new)

(vii b) refugees and displaced persons;

Justification

Improving the plight of the millions of people worldwide who were forced to flee their homes is a high priority of the European Union. Civil society should be supported in promoting human rights for displaced persons and refugees.

Amendment 34

Article 2, paragraph 1, point (c), introductory wording

(c) the strengthening of the international framework for the protection of human rights, the rule of law and the promotion of democracy, in particular by

(c) the strengthening of the international framework for the protection of human rights, the rule of law and the promotion of democracy, ***and*** in particular by

Justification

Language amendment.

Amendment 35

Article 2, paragraph 1, point (c), point (ii)

(ii) fostering cooperation with multilateral **and** regional organisations;

(ii) fostering cooperation with multilateral, regional **and local** organisations **and civil society**;

Justification

The local level is included, as in the amendment to recital 11, and the role of civil society is explicitly mentioned.

Amendment 36

Article 2, paragraph 1, point (c), point (iii)

(iii) promoting observance of international humanitarian law;

(iii) promoting observance **and monitoring the implementation** of international humanitarian law;

Justification

This amendment should cover the cases where becoming a signatory to a treaty or an international convention requires a special implementing legislation – a change in the domestic law of a state party that will direct or enable to fulfil treaty obligations.

Amendment 37

Article 2, paragraph 1 (d), point (i)

(i) through deployment of European Union Election Observation Missions;

(i) through deployment of European Union Election Observation Missions **and the enhancement of transparent electoral processes, and through the assessment of post-electoral processes on the basis of clear and transparent criteria promoting of respect for human rights, the rule of law and democratic principles**;

Justification

Mention is made of transparency in electoral processes and campaigns.

Amendment 38

Article 2, paragraph 1, point (d a) (new)

(da) supporting and strengthening parliamentary democracy, in particular

(i) through measures to build capacity for

democratically elected parliaments if the government of the country concerned opposes such capacity-building under the IPA, the European Neighbourhood and Partnership Instrument, the financing Instrument for Development Cooperation and Economic Cooperation Instrument, the financing Instrument for Stability and the Cotonou Agreement;

(ii) by supporting reforms to achieve effective democratic accountability and supervision, especially supervision of public finances and of the security sector and encouraging measures against corruption;

Justification

The strengthening of parliamentary institutions is one of the main levers for establishing and consolidating democracy in third countries, In most cases governments are unwilling to ask for aid for the reinforcement of parliamentary powers. It is thus essential that the Commission should systematically make this a requirement when negotiating national programmes with third-country governments on the basis of the regional instruments. The revised Cotonou Agreement includes explicit provision for parliaments to be beneficiaries of aid. The present instrument, while limited in terms of resources, will also help strengthen the parliamentary institutions as a subsidiary mean.

Amendment 39 Article 2, paragraph 2

2. The promotion of gender equality, children's rights, rights of indigenous peoples, and conflict prevention shall be taken into account ***as far as appropriate*** by all assistance measures referred to in this Regulation.

2. The promotion of gender equality, children's rights, ***the*** rights of ***minorities and*** indigenous peoples, ***the rights of disabled persons***, and conflict prevention shall be taken into account by all assistance measures referred to in this Regulation.

Justification

The amendment adds explicit mention of minorities and disabled persons.

Amendment 40 Article 3, paragraph 1

1. Community assistance under this Regulation shall be complementary to that provided for under the Regulations establishing the Instrument for Pre-accession

1. Community assistance under this Regulation shall be complementary to ***and coherent with*** that provided for under the Regulations establishing the Instrument for

Assistance, the European Neighbourhood and Partnership Instrument, the Development Cooperation Economic Cooperation Instrument, the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, on the other part, and the Instrument for Stability. Community assistance under this Regulation shall be provided if, and to the extent that, adequate assistance cannot alone be provided under these instruments, or if assistance can be provided more effectively under this Regulation.

Pre-accession Assistance, the European Neighbourhood and Partnership Instrument, the Development Cooperation Economic Cooperation Instrument, the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, on the other part, and the Instrument for Stability. Community assistance under this Regulation shall be provided if, and to the extent that, adequate assistance cannot alone be provided under these instruments, or if assistance can be provided more effectively under this Regulation.

Justification

The amendment adds mention of the need for coherence.

Amendment 41 Article 3, paragraph 2

2. The Commission shall ensure that measures adopted under this Regulation are consistent with the Community's overall strategic policy framework and in particular with the objectives of the above instruments, as well as with other relevant Community measures and measures under the Treaty on European Union.

2. The Commission shall ensure that measures adopted under this Regulation are consistent with ***but not subordinate to*** the Community's overall strategic policy framework and in particular with the objectives of the above instruments, as well as with other relevant Community measures and measures under the Treaty on European Union.

Justification

It is possible that, in the global strategic framework of the EU's relations with third countries, commercial or geopolitical interests may be given priority over the promotion of human rights. It is therefore essential to recall here that the measures adopted under the Regulation are to be seen as coherent with but not subordinated to that global strategic framework.

Amendment 42 Article 3, paragraph 3

3. In order to enhance the effectiveness and consistency of Community and Member States assistance measures, the Commission

3. In order to enhance the effectiveness and consistency of Community and Member States assistance measures, the Commission

shall **promote** close co-ordination between its own activities and those of the Member States, both at decision-making level and on the ground. Coordination shall involve regular consultations and frequent exchanges of relevant information during the different phases of the assistance cycle, in particular at field level and shall constitute a key step in the programming processes of the Community and Member States.

shall **ensure** close co-ordination between its own activities and those of the Member States, both at decision-making level and on the ground. Coordination shall involve regular consultations and frequent exchanges of relevant information during the different phases of the assistance cycle, in particular at field level and shall constitute a key step in the programming processes of the Community and Member States.

Justification

This amendment is consistent with the initial proposal, but develops it further.

Amendment 43
Article 3, paragraph 4

4. The Commission shall seek regular exchanges of information with the European Parliament.

4. The Commission shall seek **cooperation and** regular exchanges of information with the European Parliament.

Justification

Exchanges alone are not enough.

Amendment 44
Article 3, paragraph 5

5. The Commission shall conduct a dialogue with civil society on the implementation of the objectives of this Regulation.

5. The Commission shall conduct a dialogue with civil society on the implementation of the objectives of this Regulation **and on the implementation and assessment of the activities undertaken under this Regulation.**

Justification

Civil society should be involved in the implementation and assessment of this Regulation because the reality on the ground is that, on the whole, it is civil society, via the independent organisations involved, that actually carries out the implementation.

Amendment 45
Article 7, paragraph 1

1. Notwithstanding Article 5, in the event of unforeseen needs or exceptional circumstances, the Commission may adopt Special Measures not covered in Strategy Papers.

1. Notwithstanding Article 5, in the event of unforeseen needs or exceptional circumstances, the Commission may adopt Special Measures not covered in **the** Strategy Papers.

Justification

Language amendment.

Amendment 46
Article 7, paragraph 3

3. Where the cost of such measures exceeds EUR **5** million, the Commission shall adopt them in accordance with the procedure laid down in Article 16(2).

3. Where the cost of such measures exceeds EUR **2** million, the Commission shall adopt them in accordance with the procedure laid down in Article 16(2).

Justification

EUR 5 m is too high an amount in relation to the annual allocation (c. 4%). The amount should be reduced to EUR 2 m, as in the case of the EIDHR.

Amendment 47
Article 7, paragraph 4

4. For Special Measures below **EUR 5 million**, the Commission shall send the measures to the Member States for information within one month of adopting its decision.

4. For Special Measures below **EUR 2 million**, the Commission shall send the measures to **the European Parliament and** the Member States for information within one month of adopting its decision.

Justification

See amendment to Article 7(3).

Amendment 48
Article 8, paragraph 2

Community financing **shall** also cover expenditure at Commission delegations on the administrative support needed to manage operations financed under this Regulation.

2. Community financing **may** also cover expenditure at Commission delegations on the administrative support needed to manage operations financed under this Regulation.

Justification

Financing administrative expenditure may be a possibility but is not an obligation.

Amendment 49
Article 8, paragraph 2 a (new)

2a. When applying paragraphs 1 and 2, the Commission shall ensure that support measures are proportional and adequate to achieving the expected results and that they do not exceed 5% of the instrument's overall allocated amount.

Justification

In the interests of the sound management of public finances, support measures must remain proportional and adequate, and should not exceed 5% of the overall amount.

Amendment 50
Article 8, paragraph 3

3. The Commission shall adopt Support Measures not covered by Strategy Papers as referred to in Article 5 in accordance with Article 7, paragraph 3 and 4. ***deleted***

Justification

There is no reason to include this provision.

Amendment 51
Article 9, paragraph 1, introductory part and points (a) and (b)

1. Without prejudice to Article 13, the following bodies and actors shall be eligible for funding under this Regulation for the purposes of implementing the assistance measures referred to in Articles 6 and 7:

a) civil society and community based organisations and networks thereof at national, regional, and international level;

1. Without prejudice to Article 13, the following bodies and actors shall be eligible for funding under this Regulation for the purposes of implementing the assistance measures referred to in Articles 6 and 7:

first and foremost:

a) civil society and community based ***non-governmental*** organisations and networks thereof, ***whether officially registered or not,***

at **local**, national, regional, and international level;

and also:

b) public or private sector non-profit agencies, institutions and organisations and networks at national, regional, and international level;

b) public or private sector non-profit agencies, institutions and organisations and networks at **local**, national, regional, and international level;

Justification

The aim of this amendment is, while not questioning the proposed terms of eligibility, to make it clear that the functioning of civil society has priority for funding under this Regulation.

Equally, under point a) it is desirable to specify the non-governmental nature of the organisations and to add that non-registered organisations may be eligible. Authoritarian regimes may deny registration to certain pro-democracy or human rights groups. It would be contrary to the purpose of the Regulation to penalise such groups for that reason.

Finally, here as in other amendments, mention is also made of intervention at the local level.

Amendment 52

Article 9, paragraph 1, point (b)

(b) public or private sector non-profit agencies, institutions and organisations and networks at national, regional and international level;

(b) public or private sector non-profit agencies, institutions and organisations, **including parliamentary bodies**, and networks at national, regional and international level;

Amendment 53

Article 9, paragraph 1, point (c)

(c) international and regional inter-governmental organisations;

(c) international and regional inter-governmental **or inter-parliamentary** organisations;

Amendment 54

Article 9, paragraph 2

2. Other bodies or actors not listed in paragraph (1) can be financed when this is necessary to achieve the objectives of this

deleted

Regulation.

Justification

As Article 9(1) has been amended in the interests of clarity, especially as regards the eligibility of non-registered organisations, paragraph 2 is no longer necessary.

Amendment 55
Article 12, paragraph 2, point (d)

(d) companies, firms, other private organisations and **business, and** other non-state actors.

(d) companies, firms, other private organisations and **businesses**, other non-state actors **and non-governmental organisations within civil society, provided that they meet the aims of this Regulation and that their activities comply with human rights standards.**

Justification

Specific mention should be made of NGOs, and clarification is required as regards the context for cofinancing by companies, firms and private actors.

Amendment 56
Article 13, paragraph 7

7. Whenever Community assistance covers an operation implemented through an international organisation, participation in the appropriate contractual procedures shall be open to all natural persons and legal persons who are eligible pursuant to this Article as well as to all natural persons and legal persons who are eligible pursuant to the rules of that organisation, care being taken to ensure that equal treatment is afforded to all donors. The same rules shall apply in respect of supplies, materials and experts.

7. Whenever Community assistance covers an operation implemented through an international organisation, participation in the appropriate contractual procedures shall be open to all natural persons and legal persons who are eligible pursuant to this Article as well as to all natural persons and legal persons who are eligible pursuant to the rules of that organisation, **so long as they are in conformity with the objectives of this Regulation**, care being taken to ensure that equal treatment is afforded to all donors. The same rules shall apply in respect of supplies, materials and experts.

Justification

This amendment stresses the need for conformity with the objectives of the Regulation.

Amendment 57
Article 13, paragraph 12

12. **Tenderers** who have been awarded contracts shall respect internationally agreed core labour standards, such as ILO core labour standards, conventions on freedom of association and collective bargaining, elimination of forced and compulsory labour, elimination of discrimination in respect of employment and occupation, and the abolition of child labour.

12. **Those** who have been awarded contracts shall respect internationally agreed core labour standards, such as ILO core labour standards, conventions on freedom of association and collective bargaining, elimination of forced and compulsory labour, elimination of discrimination in respect of employment and occupation, and the abolition of child labour.

Justification

Language amendment.

Amendment 58
Article 15, paragraph 2

2. The Commission shall send its evaluation reports to the Committee referred to in Article 16(1) and to the European Parliament for information. Member States may request discussion of specific evaluations in the Committee referred to in Article 16(1). The results shall feed back into programme design and resource allocation.

2. The Commission shall send its evaluation reports to the Committee referred to in Article 16(1) and to the European Parliament for information. ***The European Parliament and*** Member States may request discussion of specific evaluations in the Committee referred to in Article 16(1). The results shall feed back into programme design and resource allocation.

Justification

It should be possible for such a discussion to be requested by the European Parliament as well as by the Member States.

Amendment 59
Article 16 a (new)

Article 16a

Structured dialogue with the European Parliament

A structured dialogue with the European Parliament shall take place using the following procedure:

(a) the Commission shall send to the European Parliament all draft measures to

be submitted to the relevant committees under the comitology provisions at the same time as they are transmitted to the Member States; the European Parliament will also receive a copy of the agenda prior to the relevant committee meeting and, subsequently, a copy of the minutes of that meeting;

(b) the European Parliament shall identify those strategies which it wishes to discuss with the Commission;

(c) the dialogue shall take place during a meeting of a parliamentary committee or another body determined by the European Parliament; the Commission shall explain the priorities set out in the document and the factors which determined the selection of the priorities; the European Parliament shall then have the possibility of asking for further explanations, expressing its views on the choices and indicating how it considers the strategy should be implemented;

(d) the Commission shall take due account of this exchange in the determination and implementation of Strategy Papers and Annual Action Programmes as provided for in Articles 5 and 6 respectively.

Justification

This amendment, while not intending to call in question the principle of comitology, proposes a procedure for a structured dialogue with Parliament, in effect consolidating the commitments which the Commission has already entered into, in the context of the negotiations with it on the implementation of the instruments adopted under the codecision procedure. This kind of dialogue already takes place in the framework of the Election Coordination Group, co-chaired by AFET and DEVE chairs, for what is related to election observation.

Amendment 60 Article 19

The Commission shall submit to the European Parliament and to the Council, by

The Commission shall submit to the European Parliament and to the Council, by

31 December 2010, a report evaluating the implementation of this Regulation in the first three years, if appropriate *with* a legislative proposal introducing the necessary modifications to the instrument.

31 December 2010, a report evaluating the implementation of this Regulation in the first three years. ***Should any dysfunctional situation be identified, the Commission, on its own initiative or at the request of the European Parliament, shall submit***, if appropriate, a legislative proposal introducing the necessary modifications to the instrument.

Justification

This amendment consolidates the undertakings made by the Commission at Parliament's 17 May 2006 sitting.

PROCEDURE

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|---|--|
| Title | Proposal for a Regulation of the European Parliament and of the Council establishing a financing instrument for the promotion of democracy and human rights worldwide (European Instrument for Democracy and Human Rights) |
| References | COM(2006)0354] – C6-0206/2006] – 2006/0116(COD) |
| Committee responsible | AFET |
| Opinion by Date announced in plenary | DEVE 6.7.2006 |
| Enhanced cooperation – date announced in plenary | Yes 6.7.2006 |
| Drafts(wo)man Date appointed | Alessandro Battilocchio 10.7.2006 |
| Previous drafts(wo)man | |
| Discussed in committee | 11.9.2006 |
| Date adopted | 3.10.2006 |
| Result of final vote | +: 26 -: 0 0: 0 |
| Members present for the final vote | Margrete Auken, Alessandro Battilocchio, Margrietus van den Berg, Danutė Budreikaitė, Marie-Arlette Carlotti, Thierry Cornillet, Nirj Deva, Alexandra Dobolyi, Michael Gahler, Filip Andrzej Kaczmarek, Glenys Kinnock, Maria Martens, Miguel Angel Martínez Martínez, Gay Mitchell, Luisa Morgantini, José Javier Pomés Ruiz, Horst Posdorf, Frithjof Schmidt, Jürgen Schröder, Anna Záborská, Mauro Zani |
| Substitute(s) present for the final vote | Milan Gaľa, Manolis Mavrommatis, Anne Van Lancker, Anders Wijkman, Gabriele Zimmer |
| Substitute(s) under Rule 178(2) present for the final vote | |
| Comments (available in one language only) | |