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Committee on Employment and Social Affairs

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OPINION

of the Committee on Employment and Social Affairs

for the Committee on Foreign Affairs

on the proposal for a regulation of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument
(COM(2004) 0628 – C6-0129/2004 – 2004/0219(COD))

Draftswoman: Elisabeth Schroedter

PA_Leg

SHORT JUSTIFICATION

The regulation on the European Neighbourhood Instrument (ENI) is the basis for implementation of the European Neighbourhood Policy (ENP). In a strategy paper (COM(2004)0373), the Commission presents its blueprint for cooperation with the neighbouring countries bordering on the Union. This strategy is designed for those countries bordering the EU that will not initially be offered EU accession¹. It seeks to strengthen the relationship with these countries and to allow them to participate in the benefits of EU enlargement through the enhancement of stability, security and prosperity in these countries as well. The aim is thereby to avoid dividing lines between the enlarged EU and the neighbouring countries, particularly where the external frontier threatens to cut cultural links. In addition to the cooperation encompassing key EU policies these countries are also to be given the opportunity to take part in various EU activities.

The method proposed by the Commission in the neighbourhood strategy is to fix a series of priorities together with the countries in question, which then move closer to the EU by meeting these priorities. These priorities are included in jointly agreed action plans with EU values applicable as common principles. Since many neighbouring countries e.g. Ukraine are somewhat disappointed by the EU offer for future relations, the Commission emphasises in the strategy paper the additional benefit of cooperation in the neighbourhood strategy. Under this heading it also includes the support for reforms that assist socially balanced development and support in the fight against unemployment and poverty.

The areas of cooperation are spelt out in much greater detail under the heading of 'Action Plans'. For example, cooperation is meant to be based on the fundamental values of the Union including non-discrimination. Whilst the other areas are comprehensively covered in the ENI this important fundamental value of 'non-discrimination' has been omitted there. This is the justification for some of the amendments listed below. Other amendments amplify and spell out in greater detail points where the Commission proposals in the strategy paper (COM(2004)0373) and in the communication on the framing of action plans (COM(2004)0795) are not to be found in the proposed regulation on the ENI or are unsatisfactorily reproduced there as far as the terms of reference of the Committee on Employment and Social Affairs are concerned. Emphasis was at the same time also placed on ensuring that the ambitious projects in the strategy paper can actually be put into practice. Frontline issues were the strengthening of trade union structures, the establishment of NGOs in the welfare network and the reinforcement of joint decision-making at works level.

The draftsman has also taken care to ensure that, in the area of cross-border cooperation, the mistakes of the past at the external frontier of EU-15 are avoided. From the outset, both the objectives and appropriate instruments must counteract the social tensions that arise here in a very confined area as a result of the huge economic disparity. The ENI is at the same time the legal basis for cross-border cooperation at the EU external frontier for the regions outside the EU directly adjoining the border.

¹ (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestinian Authority for West Jordan and the Gaza Strip, Russian Federation, Syria, Tunisia and Ukraine).

The draftsman would, however, point out at this juncture that she does not have the means here to alleviate the fundamental shortcomings of the neighbourhood instrument. She continues to have doubts about whether the old versions of the partnership and cooperation agreements and of the association agreements under the Mediterranean partnership are the appropriate basis for the new policy and fears legal and practical restrictions on implementation of the strategy.

AMENDMENTS

The Committee on Employment and Social Affairs 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

(4) The privileged relationship between the European Union and its neighbours will build on commitments to common values, including democracy, the rule of law, good governance and respect for human rights, and to the principles of market economy, free trade, sustainable development and poverty reduction.

(4) The privileged relationship between the European Union and its neighbours will build on commitments to common values, including democracy, the rule of law, good governance and respect for human rights, and to the principles of *social* market economy, free trade, sustainable development and poverty reduction.

Amendment 2 Recital 12

(12) In order to avoid the creation of new dividing lines, it is particularly important to remove obstacles to effective crossborder cooperation along the external borders of the European Union. Crossborder cooperation should contribute to integrated and sustainable regional development between neighbouring border regions and harmonious territorial integration across the Community and with neighbouring countries. This aim can best be achieved by combining external policy objectives with environmentally

(12) In order to avoid the creation of new dividing lines, it is particularly important to remove obstacles to effective crossborder cooperation along the external borders of the European Union. Crossborder cooperation should contribute to integrated and sustainable regional development between neighbouring border regions, *the removal of social tensions* and harmonious territorial integration across the Community and with neighbouring countries. This aim can best be achieved by combining external policy

¹ OJ C ... /Not yet published in OJ.

sustainable economic and social cohesion.

objectives with environmentally sustainable economic and social cohesion.

Justification

The economic disparity along the EU external frontier results in social tensions in the border regions concerned on both sides of the external frontier. The removal of such tensions is an essential precondition of harmonious development to mutual advantage.

Amendment 3
Article 1, paragraph 3

(3) The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights and seeks to promote commitment to these values in partner countries through dialogue and cooperation.

(Does not affect English version)

Justification

(Does not affect English version).

Amendment 4
Article 2, paragraph 1

(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.

(1) Community assistance under the Neighbourhood and Partnership Instrument shall promote enhanced cooperation and progressive economic **and social** 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.

Justification

This refers to the heading in the ENP Strategy Paper (COM(2004)0373) 'Action plans: People-to-people, programmes and agencies'.

Amendment 5
Article 2, paragraph 2, point (a a) (new)

(aa) promoting legal reforms and measures aimed at removing discrimination based in particular on 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

The wording matches that of Article II-81 of the European Constitution and is objectively justified in the ENP Strategy Paper (COM(2004)0373) under the heading ‘Action plans: commitment to shared values’. ‘Non-discrimination’ is mentioned there as subject-matter for the actions plans, although this is not reflected in Article 2, paragraph 2 since Article 2, paragraph 2(g) refers only to Articles II-83 and III-210 respectively of the Constitution.

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

(b) promoting legislative and regulatory approximation in all relevant areas and in particular to encourage the progressive participation of partner countries in the internal market and the intensification of trade;

(b) promoting legislative and regulatory approximation in all relevant areas and in particular to encourage the progressive participation of partner countries in the internal market and the intensification of trade, ***with a view to progressive integration into international trade;***

Justification

As well as participation in the internal market, it is extremely important to pursue a policy geared to the constant development of neighbouring countries in the field of international trade, so that their economic recovery will be given a more rapid boost through the progressive harmonisation and liberalisation of the market.

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

(f) supporting policies aimed at poverty reduction;

(f) supporting policies aimed at poverty reduction; ***promoting structures that benefit social integration;***

Justification

This refers to the Commission communication (COM(2004)0795) on the action plans under 'Main features of ENP' where social policy is also listed.

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

(g) supporting policies to promote social development and gender equality, employment and social protection including social dialogues, and respect for trade union rights and **core** labour standards;

(g) supporting policies to promote social development and gender equality, **non-discrimination**, employment and social protection including **protection of migrant workers**, social dialogues, and respect for trade union rights and **uniform** labour standards;

Justification

This refers to the heading in the ENP Strategy Paper (COM(2004)0373) 'Action plans: economic and social development policy'.

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

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

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

Justification

This addition is necessary since the term 'vocational training' would be formally correct because it covers all forms of training but, as the purpose of the list is to indicate the various forms of cooperation, it also needs to be complete and in line with current EU policies.

Amendment 10
Article 2, paragraph 2, point (h a)

(ha) ensuring the implementation at institutional level of mechanisms aimed at greater employability, particularly by encouraging the promotion of self-employment through microloans;

Justification

Strengthening employability is a key factor for the success of the partnership, as is the implementation of microloan schemes to boost self-employment.

Amendment 11

Article 2, paragraph 2, point (k)

(k) promoting the development of a market economy, including measures to support the private sector, encourage investment and promote global trade;

(k) promoting the development of a market economy, including measures to support the private sector, ***particularly SMEs***, encourage investment and promote global trade;

Amendment 12

Article 2, paragraph 2, point (n)

(n) ensuring efficient and secure border management;

(n) ensuring efficient and secure border management, ***contributing to the fight against illegal people-trafficking***;

Amendment 13

Article 2, paragraph 2, point (r)

(r) promoting cooperation between the Member States and partner countries in higher education and mobility of teachers, researchers and students;

(r) promoting cooperation between the Member States and partner countries in higher education and mobility of teachers, researchers and students ***and links between them at European level***;

Amendment 14

Article 2, paragraph 2, point (u)

(u) supporting crossborder cooperation to promote sustainable economic, social and environmental development in border regions;

(u) supporting crossborder cooperation to promote sustainable economic, social and environmental development in border regions ***so as subsequently to provide a basis for their supra-regional development***;

Justification

Over and above the objective of stabilising the EU's crossborder regions, conditions need to be created which will generate positive external effects so that these regions will act as a basis for recovery and stability for the whole area.

Amendment 15
Article 2, paragraph 2, point (v)

(v) promoting regional cooperation and integration;

(v) promoting regional cooperation and **socio-economic** integration;

Justification

This reflects the objective that measures at the borders should be directed towards ensuring that the huge economic disparity does not impact negatively on both the external border regions of the Union and of its partners along the external border.

Amendment 16
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 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 **and shall have as their reference basis the social model advocated by the European Union and the objectives defined in the Lisbon Strategy.**

Justification

There can be no sustainability without the consolidation and adaptation of the social model, and the objectives set out in the Lisbon Strategy should be highlighted in the partnerships.

Amendment 17
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.

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

Justification

The partnership principle is elevated here into one of fundamental importance as in the European Structural Funds. At the same time, the standard procedures governing both crossborder and transnational cooperation are applied here to the ENI.

Amendment 18
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 **the social partners and those** at regional and local level, in the preparation, implementation and monitoring of programmes and projects. **Their opinions shall be a compulsory part of the documentation.**

Justification

The partnership principle is elevated here into one of fundamental importance as in the European Structural Funds and its standards are adapted to those of the European Structural Funds.

Amendment 19
Article 14, paragraph (g), point (i)

(i) public or parastatal bodies, local authorities or administrations and consortia thereof;

(i) public or parastatal bodies, local authorities or **national and regional** administrations and consortia thereof;

Justification

An explicit reference should be made to the three levels of government to avoid a restrictive interpretation of the concept of administrations.

Amendment 20
Article 14, point (h), point (iv)

(iv) cooperatives, trade unions, organisations representing economic and social interests;

(iv) cooperatives, trade unions, organisations representing economic and social interests, **welfare and social organisations**;

Justification

These organisations are responsible for social integration.

Amendment 21
Article 16, paragraph 1 a (new)

(1a) Support measures shall also mean training and educational measures enabling the partners referred to in Article 4, paragraphs 2 and 3 to perform the tasks of partnership in accordance with Article 4.

Justification

The partnership principle set out in Article 4(2) and (3) can be successfully implemented only with this provision since the conditions do not as yet exist in the ENP countries for this purpose.

Amendment 22
Article 24, paragraph 2

(2) The Commission shall send its evaluation reports to the Committee referred to in Article 26 for information.

(2) The Commission shall send its evaluation reports to the Committee referred to in Article 26 **and the European Parliament** for information.

Justification

As part of the budgetary authority, Parliament should also be involved in monitoring implementation.

Amendment 23
Article 24, paragraph 2 a (new)

(2a) After considering the evaluation reports, Parliament shall forward its recommendations to the Committee referred to in Article 26.

Justification

As part of the budgetary authority, Parliament should also be involved in monitoring implementation.

Amendment 24
Article 28

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles referred to in Title I, the Council, acting by a qualified majority on a proposal from the Commission, may take appropriate steps in respect of any assistance granted to the partner country under this Regulation.

Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles referred to in Title I, the Council, acting by a qualified majority on a proposal from the Commission ***and after obtaining the consent of the European Parliament***, may take appropriate steps in respect of any assistance granted to the partner country under this Regulation.

Justification

As part of the budgetary authority, Parliament should also be involved in monitoring implementation.

