

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.10.2003

COM(2003)639 final

2003/0250 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Regulation (EC) No 975/1999**

**laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms and Regulation (EC) No 976/1999**

**laying down the requirements for the implementation of Community operations, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries**

**{SEC(2003)1170}**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

1. In order to create the necessary legal basis for external action promoting human rights and democratic principles, and the use of funds under Budget Chapter B7-7, the Council on 29 April 1999 adopted on the basis of Articles 130w (now Article 179) and 235 (now Article 308) TEC two Regulations<sup>1</sup> determining the requirements and conditions for implementation of Community funded operations supporting the development and consolidation of democracy and the rule of law, and respect for human rights and fundamental freedoms in developing and other third countries. Budget line B7-7, entitled *European Initiative for Democracy and Human Rights* (EIDHR), was created in 1994 by an initiative of the European Parliament, amalgamating all budget lines, which specifically dealt with human rights. Both Regulations have a period of validity until 31 December 2004.
2. Based on Article 179 (1) TEC<sup>2</sup>, which covers measures in the field of development cooperation with developing countries, and on Article 181a (2) TEC<sup>3</sup>, which covers measures in the field of economic, financial and technical cooperation with third countries other than developing countries, the proposed amending Regulation aims at providing a continuing legal basis and a financial framework until the end of 2006 for operations to defend and promote human rights and democratic principles under budget line B7-7 (new 19.04 “Human Rights and Democratisation”) in developing countries and third countries other than developing countries. The proposed Regulation amends Council Regulations (EC) No 975/1999 and 976/1999. For reasons of establishing the necessary coherence the two Regulations are amended by one Regulation, which is subject to the co-decision procedure under Article 251 TEC.
3. The Commission, supported by the Human Rights and Democracy Committee established under Council Regulations (EC) No 975/1999 and 976/1999, considers the Regulations to have proven to be adequate legal instruments to implement the Community’s technical and financial support for human rights and democratisation activities in developing and other third countries in pursuit of the overall objectives in this field. Moreover, the Regulations have facilitated the development of focused programming and refined implementing procedures. The Commission and the Human Rights and Democracy Committee therefore are of the opinion that presently no major overhaul of Council Regulations (EC) No 975/1999 and 976/1999 are necessary. However, the role of the Human Rights and Democracy Committee in programming issues will be enhanced and the working of the Committee be improved.

---

<sup>1</sup> Council Regulation (EC) No 975/1999 of 29 April 1999, laying down the requirements for the implementation of development co-operation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms, OJ L 120 of 8.5.1999, p.1; Council Regulation (EC) No 976/1999 of 29 April 1999, laying down the requirements for the implementation of Community operations, other than those of development co-operation, which, within the framework of Community co-operation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries, OJ L 120 of 8.5.1999, p. 8

<sup>2</sup> Previously Article 130w TEC on which Council Regulation (EC) No 975/1999 was based

<sup>3</sup> Council Regulation (EC) No 976/1999 was originally based on Article 235 TEC

4. The proposal to extend the period of validity of Council Regulations (EC) No 975/1999 and 976/1999 has been subject to an Extended Impact Assessment (EIA)<sup>4</sup>, (SEC(2003)1170). The EIA confirms the adequacy of Council Regulations (EC) No 975/1999 and 976/1999 and the appropriateness of the underlying policy choice.

Past evaluations of EIDHR programme elements have generally acknowledged the positive contribution made by the Community towards the protection of human rights and the development of democratic processes in third countries. These findings take into account that there is not only an inherent difficulty in assessing the impact of activities, which promote human rights and democracy, but also that EIDHR support can be considered only a small factor in affecting the human rights and democracy climate in targeted countries, taking into account the modest size of available grants compared to the scale of problems in the countries concerned, and the scope of involvement of other donors. Moreover, effects of human rights and democratisation projects can often only be observed in the medium and long term.

The EIA particularly points out significant positive impacts of EIDHR support on developing the capacity of human rights NGOs and civil society organisations. The impact of micro-projects is seen by far more important than the financial magnitude of this facility would suggest. Successful election observation and assistance operations enhance confidence in and transparency of the democratic electoral process in the targeted countries. The EIA concludes that the overall impact of the policy in the past has been significantly positive. Improving programming and implementation procedures can increase the positive impact in the future.

In June 2003, a survey was conducted among EIDHR beneficiaries and stakeholders in third countries on their views on the relevance, the effectiveness and the impact of the EIDHR. It resulted in 45% of the responding organisations pleading for a continuation of the EIDHR without changes, while 55% advocated a continuation with improvements in programming and implementation procedures.

5. The EIA expounds possible policy alternatives to the EIDHR, but discards them on grounds of impracticability. The particular “added value” of the chosen policy option compared to other Community instruments and donor support is decisive.
6. The amendment extends the period of validity of Council Regulations (EC) No 975/1999 and 976/1999 for two years from 1 January 2005 to 31 December 2006. According to point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure<sup>5</sup>, a legislative act concerning a multiannual programme adopted under the co-decision procedure has to contain a provision laying down the financial framework for the programme for its entire duration. For reasons of coherence a financial reference in the sense of point 34 of the Interinstitutional Agreement is also proposed for Council Regulation (EC) 976/1999 which is not subject to the co-decision procedure under Article 251 TEC.
7. The proposed amendments include adaptations of the measures necessary for the implementation of Council Regulations (EC) No 975/1999 and 976/1999 in

---

<sup>4</sup> Cf. Communication from the Commission on *Impact Assessment*, COM(2002)276 final  
<sup>5</sup> OJ C 172, 18.6.1999, p. 1

accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>6</sup>, the Commission *Guidelines on the Reform of External Aid*, and Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>7</sup>. Particular amendments of the Regulations' provisions on the procedures for the implementation of aid were necessary in order to bring the arrangements for the recruitment of election observers and core team members in EU Election Observation operations into line with the new Financial Regulation.

In accordance with the criteria established in the aforementioned Council Decision, the Human Rights and Democracy Committee provided for in Council Regulations (EC) No 975/1999 and 976/1999 will act according to the management procedure as set out in Article 4 of the Council Decision.

8. On the basis of Article 7 of Council Decision 1999/468/EC, the Commission informs the European Parliament of the proceedings of the Human Rights and Democracy Committee concerning implementation of Council Regulation (EC) No 975/1999 on a regular basis. According to Article 8 of Council Decision 1999/468/EC the European Parliament has the right to address the Commission by way of a resolution if it deems a proposed measure to exceed the implementing powers provided for in Council Regulation (EC) No 975/1999. For reasons of coherence these provisions are equally applied in the case of implementation of Council Regulation (EC) No 976/1999.
9. The Commission *Guidelines on the Reform of External Aid* recommend that the contribution of the committees should concentrate on the programming phase, rather than on specific projects. Indeed, it is during the programming phase that the crucial questions of policy and strategy have to be addressed. Thus, the Human Rights and Democracy Committee will be consulted on multiannual programmes and annual programming updates and on the the annual work programme established in accordance with Article 110 (1) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities. The Committee's opinion on the annual work programme covers all projects and programmes specified in the annual work programme.
10. The simplified framework for the consultation on multiannual programmes, and annual programming updates, and the approval of annual work programmes is expected to result in a significant reduction in the overall number of financing decisions approved by the Committee and adopted by the Commission, thereby releasing resources for redeployment on priority tasks, including ensuring effective and timely delivery of external assistance.
11. It is therefore proposed that the European Parliament and the Council adopt the attached proposal for the amending regulation.

---

<sup>6</sup> OJ L 184, 17.7.1999, p. 23

<sup>7</sup> OJ L 248, 16.9.2002, p. 1

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Regulation (EC) No 975/1999**

**laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms and Regulation (EC) No 976/1999**

**laying down the requirements for the implementation of Community operations, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 179 (1) and 181a (2) thereof,

Having regard to the proposal from the Commission<sup>8</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>9</sup>,

Whereas:

- (1) Community action to promote human rights and democratic principles as set out in the Communication of 8 May 2001 from the Commission to the Council and the European Parliament on ‘The European Unions Role in Promoting Human Rights and Democratisation in Third Countries’<sup>10</sup> shall continue beyond 2004. Council Regulation (EC) No 975/1999 of 29 April 1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms<sup>11</sup> and Council Regulation (EC) No 976/1999 of 29 April 1999 laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy in third countries, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries<sup>12</sup> proved to be adequate legal instruments for the implementation of the Community’s technical and financial support for human rights

---

<sup>8</sup> OJ C [...], [...], p. [...].

<sup>9</sup> OJ C ...

<sup>10</sup> COM(2001)252 final

<sup>11</sup> OJ L 120, 8.5.1999, p. 1

<sup>12</sup> OJ L 120, 8.5.1999, p. 8

and democratisation activities in developing and other third countries in pursuit of the overall objectives in this field. The period of validity of those Regulations, however, expires on 31 December 2004. It is, therefore, necessary to extend that period.

- (2) On the basis of the ratio of the financial reference amounts included in Regulation (EC) No 975/1999 and Regulation (EC) 976/1999, and the indicative human rights and democratisation appropriations until 2006, an extended financial framework within the meaning of points 33 and 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure<sup>13</sup> should be included in the Regulations for the extended duration of the programme.
- (3) The provisions of Regulation (EC) 975/1999 and Regulation 976/1999 on procedures for the implementation of aid should be aligned with the legal requirements of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>14</sup> in the implementation of EU Election Observation Missions.
- (4) The protection of the Community's financial interests and the fight against fraud and irregularities form an integral part of Regulation (EC) No 975/1999 and Regulation (EC) 976/1999. In particular, agreements and contracts concluded pursuant to the Regulations should authorise the Commission to carry out the measures provided for in Council Regulation (EC, Euratom) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and irregularities<sup>15</sup>.
- (5) The measures necessary for the implementation of Regulation (EC) No 975/1999 and Regulation (EC) No 976/1999 should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>16</sup>; Regulation (EC) No 975/1999 and Regulation (EC) No 976/1999 should, therefore, be amended accordingly,

HAVE ADOPTED THIS REGULATION:

#### *Article 1*

Council Regulation (EC) No 975/1999 is amended as follows:

- 1) The following sentence is added at the end of the first paragraph of Article 4:  
"In duly justified cases natural persons are eligible for financing under this Regulation."
- 2) The first sentence of Article 5 is replaced by the following:

---

<sup>13</sup> OJ C 172, 18.6.1999, p. 1

<sup>14</sup> OJ L 248, 16.9.2002, p. 1

<sup>15</sup> OJ L 292, 15.11.1996, p. 2

<sup>16</sup> OJ L 184, 17.7.1999, p. 23

“To be eligible for Community aid, the partners referred to in Article 4 (1) first sentence must have their main headquarters in a third country eligible for Community aid under this Regulation or in a Member State of the Community.”

- 3) The third paragraph of Article 7 is replaced by the following:

“3. Community financing under this Regulation shall take the form of grants or contracts. Within the framework of operations under Article 2 members of EU Election Observation Missions paid from the human rights and democratisation appropriations shall be recruited in accordance with the procedures laid down by the Commission.”

- 4) The first subparagraph of Article 10 is replaced by the following:

“The financial reference amount for the implementation of this Regulation during the period 2005 to 2006 shall be EUR 134 million.”

- 5) Articles 11 and 12 are replaced by the following:

#### *"Article 11*

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

The framework shall consist, in particular, of

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

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

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

#### *"Article 12*

1. The instruments referred to in Article 11 (1) shall be adopted in accordance with the procedure referred to in Article 13 (2).

In cases where amendments to annual work programmes referred to in Article 11 (1) (b) do not exceed 20% of the global amount allocated to them or do not substantially change the nature of the projects or programmes contained therein, those amendments shall be adopted by the Commission. It shall inform the committee referred to in Article 13 (1).

2. Without prejudice to Article 14, financing decisions on projects and programmes not covered by annual work programmes and exceeding EUR 1 million shall be adopted in accordance with the procedure referred to in Article 13 (2).”



- 6) Article 13, paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Articles 4 and 7 of Council Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4 (3) of Decision 1999/468/EC shall be set at 30 days."

- 7) Article 17 is replaced by the following:

*"Article 17*

Any agreement or contract concluded pursuant to this Regulation shall expressly provide for the Commission and the Court of Auditors to exercise their powers of control, on documents and on the premises, over all contractors and subcontractors who have received Community funds. Council Regulation (Euratom, EC) No 2185/96<sup>17</sup> shall apply."

- 8) In the second subparagraph of Article 20, the date "31 December 2004" is replaced by the date "31 December 2006".
- 9) The second sentence of Article 15 is deleted.

*Article 2*

Council Regulation (EC) No 976/1999 is amended as follows:

- 1) The following sentence is added at the end of the first paragraph of Article 5:
- "In duly justified cases natural persons are eligible for financing under this Regulation."
- 2) The first sentence of Article 6 is replaced by the following:
- "To be eligible for Community aid, the partners referred to in Article 5 (1) first sentence must have their main headquarters in a third country eligible for Community aid under this Regulation or in a Member State of the Community."
- 3) The third paragraph of Article 8 is replaced by the following:
- "3. Community financing under this Regulation shall take the form of grants or contracts. Within the framework of operations under Article 2 members of EU Election Observation Missions paid from the human rights and democratisation appropriations shall be recruited in accordance with the procedures laid down by the Commission."
- 4) The first subparagraph of Article 11 is replaced by the following:

---

<sup>17</sup> OJ L 292 , 15.11.1996, p. 2

“The financial reference amount for the implementation of this Regulation during the period 2005 to 2006 shall be EUR 78 million.”

- 5) Articles 12 and 13 are replaced by the following:

*"Article 12*

1. The Commission shall adopt the framework for the programming and identification of Community activities. The framework shall consist, in particular, of

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

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

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

*"Article 13*

1. The instruments referred to in Article 12 (1) shall be adopted in accordance with the procedure referred to in Article 14 (2).

In cases where the amendments to the annual work programmes referred to in Article 12 (1) (b) do not exceed 20% of the global amount allocated to them or do not substantially change the nature of the projects or programmes contained therein, those amendments shall be adopted by the Commission. It shall inform the committee referred to in Article 14 (1).

2. Without prejudice to Article 15, financing decisions on projects and programmes not covered by annual work programmes and exceeding EUR 1 million shall be adopted in accordance with the procedure referred to in Article 14 (2).”

- 6) Article 14 paragraph 2 is replaced by the following:

“2. Where reference is made to this paragraph, Articles 4 and 7 (1), (2), and (4), of Council Decision 1999/468/EC<sup>18</sup> shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4 (3) of the Decision 1999/468/EC shall be set at 30 days.”

- 7) Article 18 is replaced by the following:

---

<sup>18</sup> OJ L 184, 17.7.1999, p. 23

*"Article 18*

Any agreement or contract concluded pursuant to this Regulation shall expressly provide for the Commission and the Court of Auditors to exercise their powers of control, on documents and on the premises, over all contractors and subcontractors who have received Community funds. Council Regulation (Euratom, EC) No 2185/96<sup>19</sup> shall apply."

- 8) In the second paragraph of Article 21 the date "31 December 2004" is replaced by the date "31 December 2006".
- 9) The second sentence of Article 16 is deleted.

*Article 3*

This Regulation shall enter into force on the 1 January 2005.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament  
The President*

*For the Council  
The President*

---

<sup>19</sup> OJ L 292 , 15.11.1996, p. 2

## **FINANCIAL STATEMENT**

### **1. TITLE OF OPERATION**

The implementation of development co-operation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms

### **2. BUDGET HEADING(S) INVOLVED**

- 19.04.03 (ex B7-7010) “Development and consolidation of Democracy and the rule of law – Respect for human rights and fundamental freedoms”
- 19.04.04 (ex B7-702) “Support for the activities of international criminal tribunals and the International Criminal Court”
- 19.01.04.11 (ex B7-7010A) “Development and consolidation of Democracy and the rule of law – respect for human rights and fundamental freedoms – Expenditure on administrative management”

### **3. LEGAL BASIS**

Article 179 (1) TEC for amending Council Regulation (EC) No 975/1999. The proposal is subject to the co-decision procedure under Article 251 TEC. Article 181a (2) TEC for amending Council Regulation (EC) No 976/1999. The proposal is subject to the consultation procedure.

### **4. DESCRIPTION OF OPERATION**

#### **4.1 General objective**

To contribute to the implementation of operations to develop and consolidate democracy and the rule of law, including good governance, and respect for human rights and fundamental freedoms in third countries. According to the Commission Communication of 8 May 2001 on *The European Union's role in promoting human rights and democratisation in third countries*, operations within the framework of the European Initiative for Democracy and Human Rights (EIDHR) focus on four thematic priorities, namely (i) support to strengthen democratisation, good governance and the rule of law, (ii) activities in support of the abolition of the death penalty, (iii) support for the fight against torture and impunity and for international tribunals and the International Criminal Court, and (iv) combating racism and xenophobia, and discrimination against minorities and indigenous peoples. The EIDHR support concentrates on a limited number of identified “focus countries”, while also supporting global and regional projects, and election observation and assistance in selected third countries.

#### **4.2 Period covered and arrangements for renewal**

The amendments cover the period from 1 January 2005 to 31 December 2006. New proposals will be presented for continuing human rights and democratisation operations beyond 2006.

## **5. CLASSIFICATION OF EXPENDITURE OR REVENUE**

### **5.1 Compulsory/Non-compulsory expenditure**

Non compulsory expenditure

### **5.2 Differentiated/Non-differentiated appropriations**

Non-differentiated appropriations

### **5.3 Type of revenue involved**

No

## **6. TYPE OF EXPENDITURE OR REVENUE**

- 100% subsidy : yes
- Subsidy for joint financing with other sources in the public and/or private sector
- Interest subsidy : no

## **7. FINANCIAL IMPACT**

### **7.1 Method of calculating total cost of operation (relation between individual and total costs)**

The total cost of the operation for the period of extension of Council Regulation (EC) No 975/1999 and Council Regulation (EC) No 976/1999 is the sum of the budget headings involved (cf. point 2 above) for 2005 and 2006. On the basis of the amounts available each year, the relevant Commission services carry out the annual commitments for operations in developing and other third countries taking into account the multiannual programming of interventions and the annual programming updates.

### **7.2 Itemised breakdown of cost**

Commitment appropriations EUR million (at current prices)

Breakdown	2005	2006	Total
19.04.03	93	93	186
19.04.04	6	6	12
<b>Total</b>	<b>99</b>	<b>99</b>	<b>198</b>

### **7.3 Operational expenditure for studies, experts etc. included in Part B of the budget**

Commitment appropriations EUR million (at current prices)

	2005	2006	Total
19.01.04.11	7	7	14

### **7.4 Schedule of commitment and payment appropriations**

Not applicable

## **8. FRAUD PREVENTION MEASURES**

The protection of the Community's financial interests and the fight against fraud and irregularities form an integral part of Council Regulations (EC) No 975/1999 and 976/1999.

Each of the EIDHR operations will be supervised at all stages in the project cycle by either the Delegations in beneficiary countries in the case of deconcentrated EIDHR operations, and by the EuropeAid Co-operation Office in all other EIDHR operations. The supervision will take account of contractual obligations as well as of the principles of cost/benefit analysis and sound financial management.

Moreover, the revised Article 17 of Council Regulation (EC) 975/1999, and Article 18 of Council Regulation (EC) No 976/1999, determine that any agreement or contract concluded pursuant to the Regulation shall expressly provide for monitoring of spending authorised under the agreement or contract, the proper implementation of activities, and financial control by the Commission, including the European Anti-Fraud Office (OLAF), as well as audits by the Court of Auditors, if necessary, on the spot. The agreement or contract concluded pursuant to the Regulations shall authorise the Commission (OLAF) to carry out on-the-spot checks and inspections in accordance with Council Regulation (EC, Euratom) No 2185/96 of 11 November 1996<sup>20</sup>.

Particular attention will be paid to the nature of expenditure (eligibility of expenditure), to compliance with agreed budgets (actual expenditure), and to verifying supporting information and relevant documentation (evidence of expenditure).

## **9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS**

### **9.1 Specific and quantified objectives; target population**

The specific objectives are described in Council Regulations (EC) No 975/1999 and 976/1999:

- promoting and defending the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other international instruments

---

<sup>20</sup> OJ L 292 , 15.11.1996, p. 2

concerning the development and consolidation of democracy and the rule of law, in particular:

- (a) the promotion and protection of civil and political rights;
- (b) the promotion and protection of economic, social and cultural rights;
- (c) the promotion and protection of the human rights of those discriminated against, or suffering from poverty or disadvantage, which will contribute to reduction of poverty and social exclusion;
- (d) support for minorities, ethnic groups and indigenous peoples;
- (e) supporting local, national, regional or international institutions, including NGOs, involved in the protection, promotion or defence of human rights;
- (f) support for rehabilitation centres for torture victims and for organisations offering concrete help to victims of human rights abuses or help to improve conditions in places where people are deprived of their liberty in order to prevent torture or ill-treatment;
- (g) support for education, training and consciousness-raising in the area of human rights;
- (h) supporting action to monitor human rights, including the training of observers;
- (i) the promotion of equality of opportunity and non-discriminatory practices, including measures to combat racism and xenophobia;
- (j) promoting and protecting the fundamental freedoms mentioned in the International Covenant on Civil and Political Rights, in particular the freedom of opinion, expression and conscience, and the right to use one's own language;
- supporting the processes of democratisation, in particular:
  - (a) promoting and strengthening the rule of law, in particular upholding the independence of the judiciary and strengthening it, and support for a humane prison system; support for constitutional and legislative reform; support for initiatives to abolish the death penalty;
  - (b) promoting the separation of powers, particularly the independence of the judiciary and the legislature from the executive, and support for institutional reforms;
  - (c) promotion of pluralism both at political level and at the level of civil society by strengthening the institutions needed to maintain the pluralist nature of that society, including non-governmental organisations (NGOs), and by promoting independent and responsible media and supporting a free press and respect for the rights of freedom of association and assembly;
  - (d) promoting good governance, particularly by supporting administrative accountability and the prevention and combating of corruption;

- (e) promoting the participation of the people in the decision-making process at national, regional and local level, in particular by promoting the equal participation of men and women in civil society, in economic life and in politics;
- (f) support for electoral processes, in particular by supporting independent electoral commissions, granting material, technical and legal assistance in preparing for elections, including electoral censuses, taking measures to promote the participation of specific groups, particularly women, in the electoral process, and by training observers;
- (g) supporting national efforts to separate civilian and military functions, training civilian and military personnel and raising their awareness of human rights;
- support for measures to promote respect for human rights and democratisation by preventing conflict and dealing with its consequences, in close collaboration with the relevant competent bodies, in particular:
  - (a) supporting capacity-building, including the establishment of local early warning systems;
  - (b) supporting measures aimed at balancing opportunities and at bridging existing dividing lines among different identity groups;
  - (c) supporting measures facilitating the peaceful conciliation of group interests, including support for confidence-building measures relating to human rights and democratisation, in order to prevent conflict and to restore civil peace;
  - (d) promoting international humanitarian law and its observance by all parties to a conflict;
  - (e) supporting international, regional or local organisations, including the NGOs, involved in preventing, resolving and dealing with the consequences of conflict, including support for establishing ad hoc international criminal tribunals and setting up a permanent international criminal court, and support and assistance for the victims of human rights violations.

## **9.2 Grounds for the operation**

The Treaty on European Union has strengthened Community action in the field of human rights and democratic principles by specifying that Community policy in the sphere of development co-operation “shall contribute to the general objectives of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms”. The Community’s human-centred development aid policy is closely tied to the enjoyment of fundamental rights and freedoms, the recognition and application of democratic principles, the consolidation of the rule of law and good governance. This approach is founded on an open and constructive dialogue with the governments of the countries concerned and the implementation of positive measures to raise awareness of and promote human rights and democracy. It is aimed at strengthening the link between development aid, human rights and democratic principles, the rule of law and good governance.

Chapter 19.04 is one of the few instances of direct co-operation between the Commission and civil society inside and outside the Community. The Extended Impact Assessment which was



established for the proposals to extend the period of validity of Council Regulations (EC) No 975/1999 and 976/1999 confirmed the overall positive impacts of EIDHR support on developing the capacity of human rights NGOs and civil society organisations, the impact of micro-projects, which is seen by far more important than the financial magnitude of this facility, and successful election observation and assistance operations enhancing confidence in and transparency of the democratic electoral process in the targeted countries.

### **9.3 Monitoring and evaluation of the operation**

All projects are evaluated in terms of the technical, logistical, administrative and financial capacity of the organisations presenting them. On the basis of output and impact indicators, evaluations will assess (i) the conformity with the general objectives of the Community and the budget title and chapter concerned, (ii) achievement of the projects objectives, (iii) cost-effectiveness, (iv) quality of the organisation, (v) relevance to the situation on the ground, (vi) impact and spin-offs of the project, and (vii) visibility of the Community's contribution. The EuropeAid Co-operation Office and the Delegations in focus countries will carry out these evaluations. Annual reports established by the EuropeAid Co-operation Office take stock of the use of the financial resources made available under budget line 19.04.

## **10. ADMINISTRATIVE EXPENDITURE (SECTION III, PART A OF THE BUDGET) <sup>21</sup>**

Actual mobilization of the necessary administrative resources will depend on the Commission's annual decision on the allocation of resources, taking into account the number of staff and additional amounts authorized by the budgetary authority.

---

<sup>21</sup> The figures provided apply to implementations of operations under budget lines 19.04.03 and 19.04.04 covered by Council Regulation (EC) No 975/1999 **and** Council Regulation (EC) No 976/1999

## 10.1 Effect on the number of posts

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation procedure.

Type of post	Staff to be assigned to managing the operation				Source			Duration
Officials Or Temporary Staff	Number of permanent posts (man/year)		Number of temporary posts (man/year)		Existing resources in DG RELEX and the EuropeAid Co-operation Office	Additional resources necessary (Deconcentration Delegations)		
	DG RELEX	Europe Aid	DG RELEX	Europe Aid		Permanent posts	Temporary posts	
A – Headquarters	6	10	-	-	16	-	-	
A – Delegations	-	2	-	-	2	-	-	
B – Headquarters	1.5	6	2.5	31(BA)	41	-	-	
B – Delegations	-	5	-	-	5	-	-	
C – Headquarters	1	8	1	1	16	-	-	
C – Delegations	-	-	-	5 (BA)	-	-	-	
ALAT-Delegations	-	-	-	-	23	-	-	
AL-Delegations	-	-	-	23(BA)	18	-	-	
EI-Delegations	-	-	-	18(BA) 3 (BA)	3	-	-	
<b>Total</b>	<b>8.5</b>	<b>31</b>	<b>3.5</b>	<b>91</b>	<b>124</b>	<b>-</b>	<b>-</b>	

## 10.2 Overall financial impact of human resources<sup>22</sup>

	Amounts(in €)		Method of calculation
	DG RELEX	EuropeAid	
Officials	918,000	2,592,000	€ 108.000 (all grades HQ) x man/year
Temporary staff	-	1,511,496	
AUX A	-	-	€ 215,928 (all grades Delegation) x man/year
AUX B	-	-	
AUX C	134,940	1,673,256	€ 91,824 x man/year
Other resources	42,252	253,512	€ 53,976 x man/year
ALAT	-	3,180,624	€ 42,252 x man/year
AL	-	1,193,184	€ 138,288 x man/year
EI	-	645,864	€ 66,288 x man/year
			€ 215,288 x man/year
<b>Total</b>	<b>1,095,192</b>	<b>11,049,936</b>	

The amounts are expenditure for twelve months.

<sup>22</sup> Including additional resources necessary (Deconcentration Delegations); amounts are on an annual basis

### 10.3 Other administrative expenditure as a result of the operation

Budget line	DG RELEX Amounts (in €)	EuropeAid Amounts (in€)
<b>Overall allocations (ex A7)</b>		
- Missions	175,000	60,000
- Meetings	2,000	-
- Human Rights and Democracy Committee	-	25,000
- Conferences	80,000	-
- Studies and consultations	-	-
- Other expenditure	35,000	-
	3,000	(Headquarters) 305,000
	-	(Delegations) 180,000
<b>Information systems (ex A24/A707)</b>		-
<b>Other expenditure (ex Part A)</b>		
<b>Total</b>	<b>295,000</b>	<b>570,000</b>

The amounts are expenditure for twelve months.