

EUROOPA PARLAMENT

2004



2009

Arengukomisjon

ESIALGNE
2004/0040(COD)

9. august 2004

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RAPORTI PROJEKT

Euroopa Parlamendile ja nõukogule esitatud ettepaneku kohta, millega muudetakse määrust (EÜ) nr 2130/2001 kodukohast lahkuma sunnitud isikute abistamise kohta Aasia ja Ladina-Ameerika arengumaades (KOM (2004) 126 – C5-0097/2004 – 2004/0040(COD))

Arengukomisjon

Raportöör: Luisa Morgantini

Kasutatud tähised

- * nõuandemenetlus *häälteenamus*
- **I koostöömenetlus (esimene lugemine) *häälteenamus*
- **II koostöömenetlus (teine lugemine) *häälteenamus ühisseisukoha heaksiitmiseks, parlamendi kooseisu enamus ühisseisukoha tagasiliikamiseks või muutmiseks*
- *** nõusolekumenetlus *parlamendi kooseisu enamus v.a EÜ asutamislepingu artiklites 105, 107, 161 ja 300 ja ELi lepingu artiklis 7 toodud juhtidel*
- ***I kaasotsustamismenetlus (esimene lugemine) *häälteenamus*
- ***II kaasotsustamismenetlus (teine lugemine) *häälteenamus ühisseisukoha heaksiitmiseks, parlamendi kooseisu enamus ühisseisukoha tagasiliikamiseks või muutmiseks*
- ***III kaasotsustamismenetlus (kolmas lugemine) *häälteenamus ühisseisukoha heaksiitmiseks*

(Antud menetlus põhineb Euroopa Komisjoni poolt ette pandud õiguslikul alusel.)

Õigusloomega seotud tekstide kohta esitatud muudatusettepanekud

Parlamendi muudatusettepanekutes kirjutatakse tähised paksus kaldkirjas. Tavalises kaldkirjas toodud tähised on möeldud tehnilistele osakondadele ja puudutavad neid õigusakti osi, mille kohta on tehtud parandusettepanek lõpliku teksti vormistamiseks (nt ilmselgelt valed või puuduvad lõigud mõnes tõlkeversioonis). Selliste parandusettepanekute puhul tuleb saada vastavate tehniliste osakondade nõusolek.

SISUKORD

lehekülg

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MENETLUSLEHT

Oma 23. veebruari 2004. a kirjaga esitas Euroopa Komisjon vastavalt EÜ asutamislepingu artikli 251 lõikele 2 ja artikli 179 lõikele 1 Euroopa Parlamendile ja nõukogule ettepaneku, millega muudetakse määrust (EÜ) nr 2130/2001 kodukohast lahkuma sunnitud isikute abistamise kohta Aasia ja Ladina-Ameerika arengumaades (KOM(2004) 126–2004/0040(COD)).

Parlamendi president teatas 8. märtsi 2004. a istungil, et ta saatis mainitud ettepaneku arengukomisjonile kui vastutavale komisjonile ning arvamuse saamiseks eelarvekomisjonile ja välisasjade komisjonile (C5-0097/2004).

Arengukomisjoni 27. juuli 2004. a koosolekul määratigi raportööriks Luisa Morgantini.

... koosolekul vaatas komisjon läbi Euroopa Komisjoni ettepaneku ning raporti projekti.

Mainitud/viimasel koosolekul võttis komisjon õigusloomega seotud resolutsiooni projekti vastu (... poolt, ... vastu, ... erapooletut ...) /ühehäälselt.

Hääletuse ajal olid kohal (esimees/esimehe kt), ... (aseesimees), ... (aseesimees), Luisa Morgantini (raportör), ..., ..., (... asendusliige), ... (... asendusliige, vastavalt kodukorra artikli 153 lõikele 2), ... ja

Käesolevale raportile on lisatud ...komisjoni (ja ...komisjoni) arvamus(ed.) (...komisjon otsustas ... (kuupäev) loobuda arvamuse esitamisest.)

Raport esitati... .

EUROOPA PARLAMENDI ÕIGUSLOOMEGA SEOTUD RESOLUTSIOONI PROJEKT

Euroopa Parlamendile ja nõukogule esitatud ettepaneku kohta, millega muudetakse määrust (EÜ) nr 2130/2001 kodukohast lahkuma sunnitud isikute abistamise kohta Aasia ja Ladina-Ameerika arengumaades (KOM(2004) 126 – C5-0097/2004 – 2004/0040(COD))

(Kaasotsustamismenetlus: esimene lugemine)

Euroopa Parlament,

- võttes arvesse Euroopa Komisjoni ettepanekut Euroopa Parlamendile ja nõukogule (KOM(2004) 126)¹ ;
- võttes arvesse EÜ asutamislepingu artikli 251 lõiget 2 ja artikli 179 lõiget 1, vastavalt millele Euroopa Komisjon parlamendile ettepaneku esitas (C5-0097/2004);
- võttes arvesse kodukorra artiklit 67;
- võttes arvesse arengukomisjoni ettekannet ja eelarvekomisjoni arvamust(A6-0000/2004);
 1. kiidab Euroopa Komisjoni ettepaneku heaks;
 2. palub Euroopa Komisjonil asi uuesti parlamenti saata, kui ta kavatseb ettepanekut oluliselt muuta või seda teise tekstiga asendada;
 3. teeb oma presidendile ülesandeks edastada parlamendi seisukoht nõukogule ja Euroopa Komisjonile.

Euroopa Komisjoni ettepanek

Parlamendi muudatusettepanekud

Muudatusettepanek 1
ARTIKEL 1, PUNKT 1 (uus)

Artikel 8, lõige 1, (Määrus (EÜ) nr 2130/2001)

Artikli 8 lõige 1 asendatakse järgmisega:

1. Euroopa Komisjon vastutab käesoleva määrusega reguleeritud meetmete ettevalmistamise, juhtimise ja vastavate otsuste tegemise eest kooskõlas eelarve- ja muude kehtivate menetlustega, eelkõige Euroopa ühenduste üldeelarve suhtes kohaldatava finantsmääruse artikli 27, 43

¹ ELT C ... /ELTs seni avaldamata.

lõige 2, 241 ja 242 sätetega¹

¹*EÜT L 248, 16.9.2002, lk 1. Nõukogu määrus (EÜ Euratom) nr 1605/2002, 25. juuni 2002.*

Selgitus

Käesolev muudatus ajakohastab viite finantsmäärusele juriidilises tekstis; edaspidi viidatakse 2002. aasta juunis vastuvõetud finantsmäärusele.

**Muudatusettepanek 2
ARTIKEL 1, PUNKT 2**

Artikel 19, lõige 3, (Määrus (EÜ) nr 2130/2001)

(2) Artikli 19 lõige 3 asendatakse kustutatud järgmisega:

“3. 2004. aasta lõpuks esitab Euroopa Komisjon Euroopa Parlamendile ja nõukogule sõltumatu hindamisaruande käesoleva määrase rakendamise kohta, et teha kindlaks, kas selle eesmärgid on saavutatud, ja pakkuda suuniseid edaspidiste toimingute tõhustamiseks. Aruandes esitatakse hinnang võetud meetmete tulemuslikkuse kohta, lähtudes tulemusauditist ja sõltumatutest hinnangutest.”

Selgitus

Käesolev muudatus püüab säilitada määrase originaalteksti, mis eeldab Euroopa Komisjonilt hindamisaruande esitamist hiljemalt üks aasta enne määrase kehtetuks muutumist. See on kooskõlas nõukogu seisukohaga.

**Muudatusettepanek
ARTIKEL 1, PUNKT 3**

Artikel 20, lõige 2, (Määrus (EÜ) nr 2130/2001)

"Artiklist 20 jäetakse välja lõige 2."

Artikli 20 lõige 2 asendatakse järgmisega:

See kehtib kuni 31. detsembrini 2006.

Selgitus

Muudatuse eesmärk on piirata määruse rakendamist kindlaks ajavahemikuks, mis vastab rahandussätetes kindlaksmääratud perioodile. See on kooskõlas nõukogu seisukohaga.

EXPLANATORY STATEMENT

1) Background to the Proposal

The EC has supported uprooted people in Asia and Latin America since 1984, although it was only in 1997 that the Council adopted a regulation to provide a legal base for the use of the funds¹. The regulation expired at the end of 1999, was extended until December 2000 and was finally replaced by Regulation (EC) No. 2130/2001 of the European Parliament and of the Council of 29 October 2001, which expires on 31 December 2004.

The Regulation contemplated that its renewal would be "dependent on ... the possibilities for integrating this Regulation within a single framework Regulation for Asia and Latin America". On 2 July 2002, the Commission presented a proposal for a "Regulation concerning Community cooperation with Asian and Latin American countries" (ALA Regulation) which was intended to integrate operations to support uprooted people. Parliament adopted its first reading position on 6 November 2006. To date, no Common Position has been received from Council and it is understood that there is practically no possibility that this legislation could be adopted before the expiry of the Uprooted People Regulation. The Commission therefore presented, on 23 February 2004, a proposal to extend the applicability of the existing Uprooted People Regulation.

In order to prevent there being a legal void, which would prevent the implementation of operations to support uprooted people, the extension must be adopted before the end of 2004. In practical terms, this will require Parliament and Council to reach an agreement at first reading. Your rapporteur recommends that all possible efforts be made to achieve this result.

2) Support envisaged by the Regulation

The Regulation provides assistance to some of the most vulnerable groups in the world - those forced to flee their homes due to armed conflict. The groups eligible for support are defined in Article 2 of the Regulation as:

- a) "uprooted people", comprising refugees; displaced persons forced to take refuge outside their region of origin; and former refugees or displaced persons;
- b) "demobilised former soldiers", from either regular or opposition forces.

The purpose of the support is to foster the voluntary return and reintegration of these groups into their host communities, either in their places of origin or in other places chosen by them. It may also be used to prevent conflicts or reconcile parties to a conflict, and to help uprooted people or demobilised former soldiers recover belongings or property rights or receive settlement for human rights violations.

The special position of women among refugee and displaced populations is given particular attention in the guidelines for implementation of this line. Specifically, it is recognised that women tend to bear most of the burden of providing food security and family subsistence in

¹ OJ L 068, 8.3.1997, p. 1. Regulation No. 443/97 of 3 March 1997.

such circumstances, and hence require particular protection. Furthermore, attention is given to the need to give women a greater role in peace-building and national reconstruction, as well as in the rebuilding of their societies.

3) Linking relief, rehabilitation and development

The Uprooted People instrument offers valuable flexibility to cover the often-neglected period of transition between humanitarian aid and longer-term development. While able to fund over a longer period than emergency instruments, it has a shorter programming period than development aid which allows for greater flexibility in cases where circumstances can rapidly change. The value of the separate programming cycle for these operations was recognised in the Commission proposal for a new ALA Regulation to incorporate the Uprooted People Regulation, and received the support of Parliament in its first reading vote.

Further flexibility is demonstrated by the variety of partners that can participate in the implementation of these operations. Rather than channelling support through central government, this instrument allows for work to be carried out with UN agencies, local NGOs or local governments.

4) How funding corresponds to operations

The financial framework in the expiring Regulation is €200 million covering the period from 2001 to 2004. The proposed financial provision for the years 2005 and 2006 is €141 million. This represents an increase in the annual average of €20 million. However, the appropriations were not evenly distributed during the four years of the initial period, and the proposed figure fits in with the trend of increasing commitments year-on-year:

Year	Appropriations				Proposed Appropriations	
	2001 (million €)	2002	2003	2004	2005	2006
39.3	40.4	57	60	70	71	

Broken down using the same geographical distribution as the main development budget lines, this gives the following table:

	Regional allocations (million €)				Proposed allocations (million €)	
	2001	2002	2003	2004	2005	2006
Asia	13.9	12.1	23	25	26	27
Afghanistan	25.4	24	24	24	24	24
Latin America	-	4.3	10	11	20	20
Total	39.3	40.4	57	60	70	71

Proposed funding levels can be explained by reference to the regions concerned.

a) Asia

For Asia, small annual increases are foreseen for the years 2005 and 2006 above the funding level for 2004 which are intended to assure the continuation of programmes currently in

implementation.

During the period 2001-2003, the greatest proportion of funds for Asia (42.8%) were provided for Burmese uprooted people. This covered support to refugees in Bangladesh and Thailand, where concentration was on basic needs and social services, and on protection, food security and other assistance for returnees in Burma/Myanmar. As Burmese uprooted people continue to number hundreds of thousands, including refugees and internally displaced people (IDPs), the Commission's decision to continue these operations in 2005 and 2006 is very much to be welcomed.

The other areas of recent intervention under this Regulation in Asia have been Sri Lanka, (23.9%) Indonesia (17.6%), the Philippines (13.3%) and Bhutan/Nepal (3.8%). The level of need remains high in all these crises, with particular problems in certain countries, such as the increasing risk of forced returns of IDPs in the Philippines, demobilised Tamil Tiger child soldiers needing support in Sri Lanka and a solution to be found for the resettlement of Bhutanese refugees in camps in Nepal. Continued funding is very much justified for these programmes.

b) Afghanistan

Since a separate budget-line was created in the 2003 budget for rehabilitation and reconstruction in Afghanistan, allocations for operations in this country are listed separately. Funding is envisaged to remain at the same level as in recent years.

With 3.5 million Afghans living as refugees in other countries¹, post-conflict reconstruction dogged by problems of insecurity and weak central government, and human development indicators at a persistently low level, Afghanistan is rightly one of the priorities under the Uprooted People Regulation. Operations in the past have concentrated on providing refugees with basic services but also helping them prepare to return to Afghanistan and removing obstacles which may impede their return. Within Afghanistan, multi-sector support has been given to areas with high returnee populations to help provide sustainable prospects for their reintegration.

c) Latin America

The only Latin American country to receive funding from the Uprooted People line is Colombia, where it has been used since mid-2002 to support internally displaced people. The Commission programming for 2005-2006 indicates their intention to expand operations in Colombia to include assistance to demobilised combatants and former child soldiers. There is also a need to supplement funding due to the forthcoming withdrawal of the EC Humanitarian Office (ECHO) from the country. These factors explain the proposed increase in funding to almost double the 2003-4 level.

5) Independent Assessment

The current Regulation provides in Article 19(3) for the Commission to submit to Parliament and Council an independent overall assessment report "at the latest one year before the expiry

¹ Figure dates from the beginning of 2003 and is divided between 2 million in Iran and 1.5 million in Pakistan.

of this Regulation". Furthermore, Article 20 makes the renewal of the Regulation dependent on the results of this assessment.

The Commission has not submitted this report. Your rapporteur is informed that work to draw up the report is in progress, but it will not be available in time to influence decisions on the proposal to extend the regulation.

The explanation offered by the Commission is that there has been little change since the 2000 evaluation of the previous Regulation. Furthermore, the first actions under the existing Regulation did not start until late 2002/early 2003 and it would be difficult to make a meaningful evaluation based on just 18 months of ongoing activities.

While accepting these justifications, your rapporteur still considers it regrettable that the Commission did not meet its obligation set out in the Regulation.

Duration of the Regulation

The Commission proposes extending the Regulation for an indefinite period, but only includes a financial framework running to the end of the current Financial Perspectives in 2006. Such an extension would leave uncertainty as to the level of subsequent appropriations for this purpose, which would have to be determined by the annual budgetary procedure. This inconvenience may be averted by reducing the period of validity to two years - 2005 and 2006. This approach is favoured by Council and appears also to be acceptable to the Commission. At the expiry of this period, the Regulation can be renewed or incorporated into more general legislation, relating either to the regions of Asia and Latin America or to global development cooperation. At that time, your rapporteur expects the independent assessment report to be available to inform Parliament's decision.