External actions: financing instrument for stability

2009/0058(COD) - 21/04/2009 - Legislative proposal

PURPOSE: to amend Regulation (EC) No 1717/2006 establishing an Instrument for Stability with a view to adapting it to a judgment of the Court of Justice.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: as part of the reform of external action financial instruments for 20072013, Regulation (EC) No 1717/2006 established the Instrument for Stability (IfS) to enable the Community to give a consistent and integrated response to crises and impending crises, by means of a single legal instrument with simplified decision-making procedures.

The review of the implementation of the Regulation concluded that certain amendments to the Regulation are necessary, which may be summarised as follows:

(1) taking account of a judgment of the Court of Justice: when the IfS Regulation was adopted, the Council and the Commission issued a joint statement in which they agreed that nothing in this Regulation shall be construed as prejudging positions taken in Case 91/05 (Commission vs Council on measures to combat the proliferation, illicit use of and access to small arms and light weapons and which may be implemented by the Community under its development policy). Only in the light of the judgment of the Court of Justice did the Commission decide to amend the disputed article (Article 3(2)(i)) to clarify it as part of the revision of the instrument.

It is therefore necessary to propose a revision of the IfS Regulation in order to bring it in line with the case law of the Court which considers that **measures against the proliferation of small arms and light weapons may be implemented by the Community under its development policy**.

For the same reason, Article 4(1)(a) on action in support of the fight against the illicit trafficking needs to be revised in order to refer explicitly to “small arms and light weapons”.

(2) extend the participation of partners from developed countries for certain actions: Article 17 of the Regulation excludes partners from developed countries outside the EU and the EEA from participating in actions in support of pre- and post-crisis capacity building (crisis preparedness) under the Regulation. Thus such partners are precluded from participating in these actions, which is inconsistent and poses a serious setback to the attainment of objectives of Article 4(3).

It is therefore proposed to open up participation in the award of procurement or grant contracts under Article 4(3) to participation on a global basis.

(3) amend the allocation of the IfS financial envelope: Article 24 of the Regulation specifies that no more than 7% of the overall reference amount shall be allocated to measures falling under Article 4(1), namely threats to law and order, to the security and safety of individuals, to critical infrastructure and to public health.

The share of the financial envelope intended for such measures has proven to be inadequate and needs to be increased, as the areas covered by this Article are numerous and, even with multi-purpose programmes, only a few can be handled effectively with the scarce resources available. Developing effective actions in

the area of critical infrastructure, public health risks and global responses to trans-regional threats requires more substantial measures to allow real impact, visibility and credibility. It is therefore proposed to increase the maximum share for measures under Article 4(1) from 7% to 10%.

IMPACT ASSESSMENT: not applicable.

BUDGETARY IMPLICATION: the proposal has no implications for the Community budget.