

Financing instrument for development cooperation: banana accompanying measures

2010/0059(COD) - 13/12/2010 - Commission communication on Council's position

In its communication to the European Parliament on the Council position on the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation (original Commission proposal 'BAM amendments', the Commission can accept the Council position at first reading, which is the outcome of constructive negotiations between the three institutions. It is in line with the essential objectives and the underlying approach of the Commission's initial proposal and incorporates the European Parliament's amendments on the substance of the BAM provisions.

Main characteristics of the Council position: the position reflects the following key elements in line with the European Parliament's amendments:

- **recitals:** a number of recitals have been expanded and others have been added to provide further explanations in relation to the context, content and objectives of the BAM;
- **specific focus on poverty, livelihoods, small farmers and specification on the viability of strategies** (Article 17a – Paragraph 1): the Union's assistance has now been explicitly established as focusing on poverty eradication and improvement of living and working conditions of small farmers and other persons concerned;
- **outermost regions of the EU and overseas countries and territories** (Article 17a – Paragraph 1): the Regulation now refers to the regional environment of eligible BAM countries, specifically the proximity to outermost regions of the EU and OCTs;
- **bilateral trade agreements with Latin American countries** (Article 17a – Paragraph 2): both multilateral and bilateral agreements relating to bananas concluded or in the process of being concluded are mentioned;
- **distribution of funds** (Article 17a – Paragraph 2): the proposed criteria have been arranged by order of importance. Moreover, the allocation criteria will use data of a period not longer than five years before 2010, as well as a Commission study assessing the impact of the trade agreements on ACP countries;
- **requirements in Multiannual Support Strategies** (Article 17a – Paragraph 3): a number of requirements (e.g. environmental profiles and ILO standards) to be included in the support strategies in each country have been specified;
- **programme assessment** (Article 17a – Paragraph 3): the progress of the BAM programme will be assessed eighteen months before its end and appropriate recommendations are to be made.

In addition, an amendment originally tabled by the Commission (COM(2009)194), see [COD/2009/0060A](#)) was introduced:

- **taxes and duties** (Article 25 – Paragraph 2): the wording 'in principle' is added to the non-eligibility of taxes, duties and other charges thus signalling the possibility of exceptions, these being regulated internally by the instructions given to Authorising Officer.

Amendments by Parliament not acceptable to Council: delegated acts (Article 290 TFEU): Parliament seeks by its first reading amendments to apply this procedure to the adoption of multiannual strategy papers by the Commission. Despite long and intensive negotiations (notably trilogues held on 2 February, 23 March and 20 October) it was not possible to reach agreement on this issue. The Council has not accepted these amendments in its positions at first reading. The Commission is ready to continue

efforts to reconcile the positions of the institutions and to find ways to meet the substantive concerns behind Parliament's amendments, in particular in ensuring that Parliament can exercise appropriate oversight over the formulation of external cooperation strategies and the proper implementation of external financial instruments.

The European Commission can accept the Council position at first reading.