

External actions: financing instrument for development cooperation

2009/0060A(COD) - 13/12/2010 - Commission communication on Council's position

In its communication to the European Parliament concerning 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 'taxes amendment', the Commission can accept the Council position which is in line with the Commission's initial proposal and with the European Parliament's first reading, with the exception of the specific issues mentioned below.

Main characteristics of the Council position: the Council position reflects the following key elements:

- **taxes and duties:** 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 Officers;
- **split into two separate acts:** one for the DCI and one for the EIDHR. The Commission initially proposed one act making the same amendment to both instruments. The equivalent amendment of DCI (adding “in principle”) is now incorporated in the Council position on COM (2010) 102 final – [2010/0059 COD](#) (which is the amendment of DCI to include bananas accompanying measures).

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;
- **national Parliaments:** Parliament also adopted amendments introducing references to national parliaments which Council has not accepted. The Commission considers that the main concern behind Parliament's amendments, to ensure that national parliaments may involve themselves in monitoring and evaluating the implementation of the instrument, is covered by existing provisions concerning national parliaments, notably the protocols to the Treaty on Functioning of the EU (TFEU).

The Commission can accept the Council position at first reading.