European Neighbourhood and Partnership Instrument 2007-2013

2004/0219(COD) - 29/09/2004 - Legislative proposal

PURPOSE: to lay down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI).

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

CONTENT: in the context of the new financial perspective 2007-2013 (**INI/2004/2209**), the Commission is proposing a new Community instrument which will replace existing geographical and thematic programmes covering the countries which do not currently have an accession perspective.

This instrument is in line with the new architecture of the financial instruments implementing external aid. It will be complementary to the Pre-Accession (**CNS/2004/0222**), the Instrument for Stability (**COD/2004 /0223**), the Economic and Development Cooperation (**COD/2004/0220**) and humanitarian aid instruments.

In order to assist neighbouring partner countries in achieving their objectives, and to promote cooperation between them and Member States, it is desirable to establish a single policy-driven instrument which will replace a number of existing instruments, ensuring coherence and simplifying assistance programming and management. The proposed instrument will also support crossborder cooperation between partner countries and the Member States bringing substantial efficiency gains operating through a single management mechanism and with a single set of procedures.

Objectives and partner countries: the aim is to develop an area of prosperity and close cooperation involving the European Union and the neighbouring countries. Community assistance shall be used for the benefit of partner countries. Assistance may be used for the common benefit of Member States and partner countries, for the purpose of promoting crossborder and trans-regional cooperation. The draft Regulation covers the following countries: MEDA (Algeria, Egypt, Israel, Palestinian Authority of the West Bank and Gaza Strip, Jordan, Lebanon, Libya, Morocco, Syria and Tunisia), TACIS (Russian Federation, Belarus, Moldova and the Ukraine) and the Caucasus (Armenia, Azerbaijan and Georgia).

A non–exhaustive list is presented which includes objectives specific to the European Neighbourhood Policy alongside other, more conventional, development objectives. This reflects the reality of neighbouring countries, many of which are developing countries. The choice of objectives to be pursued in a given country will be made when establishing country strategies and multiannual programmes.

Policy framework and conditions for assistance: the partnership and cooperation agreements, the association agreements and other existing or future agreements which establish a relationship with partner countries shall provide an overall policy framework for the programming of assistance under this draft Regulation. In the absence of agreements and/or ENP action plans (for instance Belarus and Libya), assistance may still be provided, in particular for crossborder cooperation and whenever relevant to pursue EU policy objectives set out in the relevant Commission communications.

To be eligible for assistance, the partner countries should respect the fundamental values of the Union. In extreme cases where countries do not respect these values, the Union can resort to total or partial suspension of assistance.

Characteristics of assistance: the assistance shall be characterised by 3 general principles for the implementation of this Regulation, namely that assistance shall complement national measures to promote synergy and enhance impact; assistance shall be established in partnership between the Commission and the beneficiaries, and programming of assistance should be carried out involving, as

appropriate, central, regional and local authorities, civil society, economic and social partners; assistance shall be cofinanced in order to promote ownership and maximise its leverage effect.

These principles are also applied in the context of the EU cohesion policy and reflect the dual nature of the instrument (external policy and economic and social cohesion) when it comes to financing crossborder and transregional cooperation between partner countries and Member States.

Programming and allocation of funds: the proposal describes the type of programmes through which assistance will be provided under this Regulation:

- Country and multicountry programmes which cover the assistance provided under this instrument to

a single country (national programme) or a group of countries. They normally include multiple priorities;

- Thematic programmes which are normally used to address in a visible and recognizable way global challenges of particular importance or, when this is considered appropriate, the external projection of internal policies. These will, in most of the cases, address all the partner countries;

- Crossborder cooperation programmes which will cover the eligible border regions of the EU Member States.

It will also be possible to associate Member States in thematic and/or multicountry programmes through transregional cooperation. On that basis, a single financial instrument, the ENPI, will be able to finance joint projects involving beneficiaries from partner countries and Member States. Strategy papers containing multiannual indicative programmes will establish the priorities for assistance and determine multiannual financial allocations to programmes. They will be adopted by the Commission after the opinion of the committee under a management procedure.

Implementation measures: the proposal provides for the Commission’s financing decisions to take the form of annual action programmes for countries or regions. This reflects the new principles introduced in the latest Commission regulations. As decisions taken by the Commission in line with the multiannual programming documents approved by the Member States, these action programmes have not been made subject to the committee procedure. Provision is made for the adoption, in the event of unforeseen needs or circumstances, of special measures not provided for in the strategy papers or multiannual indicative programmes. This provision increases the Community's capacity to respond and introduces the flexibility necessary for the effective implementation of the Community's external assistance, especially in emergencies. Specific provisions are made to establish joint programmes bringing together eligible regions of Member States and partner countries. These programmes should normally be bilateral across land borders or sea crossings of significant importance and multilateral for maritime regions. A safeguard clause is included which allows, in exceptional circumstances, Member States’ border regions to receive assistance even if a joint programme cannot be established.

Programmes may be implemented under direct centralised management by the Commission from Headquarters and/or thought the devolved Delegations using both statutory and temporary staff. They may also be implemented under decentralised management by the beneficiary country and under joint management with international organisations. The Regulation also leaves open the possibility for programme implementation under indirect centralised management arrangements by national public sector

bodies or bodies governed by private law with a public service mission or by an executive agency for programme implementation. Cross-border co-operation programmes will be normally implemented through shared management by a managing authority located in Member States.

Evaluation: the Commission is bound to regularly evaluate the results of geographical and thematic policies and programmes and of sectoral policies and the effectiveness of programming. An annual report on implementation shall be sent to the Council and the European Parliament in this context.

The Commission shall submit by 31 December 2011 any proposals concerning the future of this Regulation and any amendments that may be necessary. From its entry into force a series of financial instruments applicable to neighbourhood policy shall be repealed (including Tacis and Meda).

For further information concerning the financial implications of this measure, please refer to the financial statement.