Instrument for Stability 2007-2013

2004/0223(COD) - 29/09/2004 - Legislative proposal

PURPOSE : to establish a new Instrument for Stability to tackle crises and instability in third countries and address trans-border challenges including nuclear safety and non-proliferation, the fight against trafficking, organised crime and terrorism.

PROPOSED ACT : Regulation 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 designed to provide an adequate response to instability and crises and to longer term challenges with a stability or security aspect. It will be complementary to the Pre-Accession (**CNS/2004/0222**), European Neighbourhood (**COD/2004/0219**) and Partnership and the Development Cooperation and Economic Cooperation (**COD/2004/0220**) and humanitarian aid instruments. This proposal aims to codify, consolidate and give coherence to the existing geographic and sectoral Community financing instruments.

Objectives : the proposal provides for the delivery of financial, economic and technical assistance in order to address three distinct issues:

- Political insecurity, crises and threats to human rights, democracy and the rule of law: provisions are made for an effective and integrated response to crises and threats to human rights, democracy and the rule of law, with the overall aim of aiding the establishment or re-establishment of the conditions necessary to permit the effective implementation of the Community's development and economic cooperation policies, its neighbourhood policy and its pre-accession strategy. Other measures include addressing the problems of anti-personnel mines action; safeguarding, re-starting or establishing conditions under which sustainable economic and social development can take place; establishing and supporting democratic, pluralistic state institutions, effective civilian administration at national and local level, an independent judiciary, good governance and law and order; responding to natural or man-made disasters; the rehabilitation and reconstruction after a crisis.

- **Civil security**: assistance is needed in order to further the cooperation between the EU and third countries in relation to global and regional trans-border challenges affecting the security of the citizen. The proposal seeks to ensure that the Community can address a number of key challenges in the mutual interest of the Community and the partner country. The Regulation focuses on efforts to combat organised crime, terrorism and other transnational threats to the rule of law, protection of strategic infrastructure and major unexpected threats to public health. The added value provided by the current

instrument will be the possibility for rapid and concerted global action, for instance addressing the financing of terrorism, money laundering or tax fraud, and the ability to promote issues of particular concern to the Community and to address issues that partner countries may find difficult to prioritise in the context of the policy framework guiding the three new Community policy instruments.

- **Technological and nuclear threats**: the provisions build upon established Community practice in the field of nuclear safety and will enable the Community to support programmes tackling the new security challenges coming from the possible misuse of materials, equipment or technologies related to weapons of mass destruction and their delivery systems. Assistance in this respect will address issues that can be dealt with in the civilian domain and which do not have military or defence implications. Such measures might include establishing the supporting infrastructure around nuclear/chemical weapons destruction plants: (access roads or railroads, electricity/water/gas supplies, but not the weapons decommissioning itself);

support for environmental monitoring and public information; handling of the toxic residue resulting from decommissioning; reconversion of former chemical weapons plants into civil facilities; civilian retraining; support for the development of effective export control of dual use materials and support for specific border security measures to prevent the illicit trafficking of WMD related materials. The inclusion of nuclear safety within the present Regulation (rather than in the geographic policy-driven instruments) is necessary given that such support may be required in several regions.

- **Other initiatives**: the proposal provides the flexibility to allow the Community to respond in a timely way to future global challenges to stability and security that cannot be anticipated at this time. It also provides a basis to promote international action in support of the general objectives of the Regulation, including research and the training of civilian experts for deployment on EU crisis management missions.

Programming and allocation of funds: the proposal describes the three mechanisms through which support will be delivered under the instrument.

1) Exceptional assistance measures and interim programmes are intended to respond to crisis situations. These will be modelled existing provisions under the EC Rapid Reaction Mechanism, with three important innovations designed to improve the linkages with the overall EU response and quality and coherence of follow-up measures. First, the provisions on informing the Council are strengthened by ensuring a constant dialogue with it before measures are adopted. This dialogue will be underpinned by

the establishment of an information exchange system, modelled on the successful precedent established under the existing Humanitarian Aid Regulation. Second, the adoption of exceptional assistance measures triggers a new obligation to provide, within 9 months, a report containing a strategic overview of the planned Community response across the full range of its instruments. This report will place the Community response in the context of the overall international response and also identify measures to ensure coherence between EC and CFSP actions. Third, the adoption of exceptional assistance measures may now trigger the adoption of an 'interim response programme', which will build on the exceptional assistance measures and work towards the resumption of the normal conditions for the delivery of assistance. The interim response programme will be submitted to the consultative committee, and should ensure effective bridging between measures adopted under the Instrument for Stability and those adopted under the principle policy-driven instruments.

2) Multi-annual programmes will address long-term issues in the context of stable conditions for cooperation. Provisions are provided for which intend to ensure the complementarity of assistance delivered under the Instrument for Stability and assistance delivered under the three policy-driven instruments. Thus, multi-annual programmes financed under the Instrument for Stability may be based on country or regional strategies adopted in the context of the Integrated Pre-Accession Instrument, the Development and Economic Cooperation Instrument and the European Neighbourhood Instrument. This establishes a single strategic programming bridging the core policy instrument and the added-value elements of the Instrument for Stability. The Commission may, however, also adopt specific regional or thematic strategies under this instrument. This is intended to cover areas of cooperation that cannot be adequately addressed within the framework of the strategies adopted under the other external financing instruments (either because of the nature of the issue or its geographic scope).

The proposal also contains provisions to ensure better integration of Community measures and measures adopted by the Council under the Common Foreign and Security Policy. This is particularly important for the effectiveness and impact of EU civilian crisis management operations, which often present aspects coming under both CFSP and Community responsibility.

Implementation methods: the measures to be taken under the present Instrument shall normally be implemented by the Commission by direct or indirect centralised management, but may in certain cases as specified in the Regulation be implemented by indirect centralised management (by public or public-

service bodies of the Member States), by decentralised management (under the responsibility of a beneficiary partner country), or by delegated management (by international organisations or third-country donors, in cases of joint co-financing).

At this stage the Commission is not ready to propose the establishment of an executive agency for programme implementation but this possibility has not been excluded, in particular for certain tasks of expert recruitment and logistical support.

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