Community external assistance: rules for the access to external assistance instruments, for the eligibility and the origin

2005/0806(CNS) - 17/05/2005 - Legislative proposal

On 7 April 2004, the Commission sent a draft Regulation on EU external assistance to the European Parliament and the Council. This proposal is based on Articles 179 and 181A of the EC Treaty and must be adopted by the codecision procedure provided for in Article 251 of the Treaty (refer to COD/2004 /0099).

The Working Party on Development Cooperation examined the proposal at its meetings in May and June 2004, under the Irish Presidency, then again in July and September 2004, under the Dutch Presidency. At these meetings, the need to split the initial proposal due to different legal basis which characterised the acts which it aimed to amend was highlighted.

At its last exchange of views in September 2004, the Working Party decided to interrupt the examination of the proposal pending the presentation of the Commission's new external action instruments due out in October 2004 in which an Article should be included on the untying of external assistance from the Community .

In January 2005, in light of the incertitude of the adoption of the new financial perspectives and the need to continue with the fundamental questions of this proposal, the Working Party decided to continue with the examination of the proposal with a view to its adoption at first reading in June or July 2005.

At its meetings in January, February and March 2005, the Party continued with the examination of proposal COD/2004/0099 and informed the Parliament of the state of its initial comments concerning the most appropriate procedure with a view to the adoption of this proposal. On 14 April 2005, the Working Party agreed to split the proposal into two separate proposals and informed the Parliament by letter.

The initial proposal COD/2004/0099, which aims to amend 25 existing regulations in the area of external assistance, is subject to the splitting process and follows the following legal basis:

- 15 of the 25 regulations to be amended shall be based on Article 179 (formerly 130W) of the EC Treaty and shall be adopted by codecision;

- the remaining 10 shall be based on Article 181A (legal basis provided by the Nice Treaty). This is the legal basis used for the present proposed Regulation.

The two sets of Regulations have distinct legal instruments each with different scopes. Each Regulation shall be adopted separately but with identical measures (in as far is possible) and they should be adopted simultaneously.

The content of the proposal remains unchanged in comparison with the initial proposal COD/2004/0099 but the Regulations concerned by the amendments are the following:

- Thematic instruments :

- Council Regulation 1725/2001/EC concerning action against anti-personnel landmines in third countries other than developing countries;
- Council Regulation 976/1999/EC on consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries.

- Geographical instruments :

- Council Regulation 2500/2001/EC concerning preaccession financial assistance for Turkey;
- Council Regulation 2666/2000/EC on the CARDS programme;
- Council Regulation 99/2000/EC, Euratom on the TACIS programme;
- Council Regulation 1267/1999/EC establishing an Instrument for Structural Policies for Pre-Accession ISPA;
- Council Regulation 1268/1999/EC on Community support for pre-accession measures for agriculture and rural development in the applicant countries of Central and Eastern Europe in the pre-accession period SAPARD;
- Council Regulation 1488/96/EEC on the MEDA programme;
- Council Regulation 1762/92/EEC on the MEDA programme (implementation of the Protocols on financial and technical cooperation);
- Council Regulation 443/92/EEC on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America.