Basic information

2009/0058(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
External actions: financing instrument for stability **Subject** 6.10.05 Peace preservation, humanitarian and rescue tasks, crisis management 6.30 Development cooperation 6.30.02 Financial and technical cooperation and assistance	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFET Foreign Affairs	BRANTNER Franziska Katharina (Verts/ALE)	16/09/2009
	Shadow rapporteur KELAM Tunne (PPE) MUÑIZ DE URQUIZA María (S&D) NEYTS-UYTTEBROECK Annemie (ALDE) VAN ORDEN Geoffrey (ECR) LÖSING Sabine (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	JOLY Eva (Verts/ALE)	01/09/2009
INTA International Trade	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
External Relations	ASHTON Catherine

Key events

Date	Event	Reference	Summary
21/04/2009	Legislative proposal published	COM(2009)0195	Summary
14/07/2009	Committee referral announced in Parliament, 1st reading		
10/11/2009	Vote in committee, 1st reading		Summary
13/11/2009	Committee report tabled for plenary, 1st reading	A7-0066/2009	
20/10/2010	Debate in Parliament		
21/10/2010	Decision by Parliament, 1st reading	T7-0378/2010	Summary
21/10/2010	Results of vote in Parliament		
21/05/2014	Proposal withdrawn by Commission		Summary

Technical information

Procedure reference	2009/0058(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 209-p1 Treaty on the Functioning of the European Union TFEU 212
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	AFET/7/00005

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE428.290	14/10/2009	
Amendments tabled in committee		PE430.350	21/10/2009	
Committee opinion	DEVE	PE428.241	11/11/2009	
Committee report tabled for plenary, 1st reading/single reading		A7-0066/2009	13/11/2009	
Text adopted by Parliament, 1st reading/single reading		T7-0378/2010	21/10/2010	Summary

European Commission

Document type	Reference	Date	Summary
	COM(2009)0195		

Legislative proposal		21/04/2009	Summary

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

External actions: financing instrument for stability

2009/0058(COD) - 21/10/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 564 votes to 41, with 6 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1717/2006 establishing an Instrument for Stability.

The European Parliament adopted its position at first reading under the ordinary legislative procedure (former co-decision procedure) which amends the Commission's proposal as follows:

Delegated acts: following the entry into force of the Lisbon Treaty in force, Parliament's democratic scrutiny is strengthened, not only of EU legislation passed via the ordinary legislative procedure (co-decision with the Council), but also for the purpose of monitoring the Commission's implementation of the EU financial instruments for external co-operation. Accordingly, country strategy papers for thematic programmes and multiannual indicative programmes drafted by the Commission for the external co-operation instruments shall be adopted by means of delegated acts. Delegated acts are a streamlined system, introduced by the Lisbon Treaty, for delegating to the European Commission the power to make minor changes to EU laws when needed. This would give the European Parliament a de facto veto, by enabling it to block these papers and programmes and require the Commission to present amended proposals. A new comitology procedure is therefore established to this effect (article 22a).

Assistance to civil society: Parliament considers that civil society should be granted support not only in crisis situations, as stated in the original Instrument for Stability, but also in the long-term in context of stable conditions for cooperation in the area of pre- and post-crisis building. Accordingly, it asks for specific aid to develop and organise civil society and its participation in the political process, including measures to enhance the role of women in such processes and measures to promote independent, pluralist and professional media.

Peace Building: Parliament considers that the Instrument for Stability should make a reference to the EU Peace-building Partnership, already established by the Commission in the field of pre- and post-crisis capacity building. In parallel, Parliament provides that no more than 10% (rather than 5%) of the financial envelope shall be allocated to measures falling under Article 4(3) (pre- and post-crisis capacity building) provided the increase is in line with the current review of the EU Peace-building Partnership and internal resources.

Information from the European Parliament and the Council on certain measures exceeding large amounts: plenary calls on the Commission to inform it and the Council - within a specified time limit - of certain measures exceeding more than EUR 5 million. Special measures costing more than EUR 5 million shall be adopted by the Commission taking into account the **opinions of the European Parliament and of the Council**. Where an Exceptional Assistance Measure is costing more than EUR 20 million, that measure shall be adopted by the Commission taking into account the opinions of the European Parliament and of the Council.

Evaluation: Parliament calls on the Commission to regularly evaluate the results and efficiency of policies and programmes and the effectiveness of programming in order to ascertain whether the objectives have been met and enable it to formulate recommendations with a view to improving future operations. The Commission shall send for discussion significant evaluation reports to the European Parliament and to the Council. These results shall feed back into programme design and resource allocation.

External actions: financing instrument for stability

2009/0058(COD) - 21/04/2009 - Legislative proposal

PURPOSE: to amend Regulation (EC) No 1717/2006 establishing an Instrument for Stability with a view to adapting it to a judgment of the Court of Justice.

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

CONTENT: as part of the reform of external action financial instruments for 20072013, Regulation (EC) No 1717/2006 established the Instrument for Stability (IfS) to enable the Community to give a consistent and integrated response to crises and impending crises, by means of a single legal instrument with simplified decision-making procedures.

The review of the implementation of the Regulation concluded that certain amendments to the Regulation are necessary, which may be summarised as follows:

(1) taking account of a judgment of the Court of Justice: when the IfS Regulation was adopted, the Council and the Commission issued a joint statement in which they agreed that nothing in this Regulation shall be construed as prejudging positions taken in Case 91/05 (Commission vs Council on measures to combat the proliferation, illicit use of and access to small arms and light weapons and which may be implemented by the Community under its development policy). Only in the light of the judgment of the Court of Justice did the Commission decide to amend the disputed article (Article 3(2)(i)) to clarify it as part of the revision of the instrument.

It is therefore necessary to propose a revision of the IfS Regulation in order to bring it in line with the case law of the Court which considers that **measures against the proliferation of small arms and light weapons may be implemented by the Community under its development policy**.

For the same reason, Article 4(1)(a) on action in support of the fight against the illicit trafficking needs to be revised in order to refer explicitly to “small arms and light weapons”.

(2) extend the participation of partners from developed countries for certain actions: Article 17 of the Regulation excludes partners from developed countries outside the EU and the EEA from participating in actions in support of pre- and post-crisis capacity building (crisis preparedness) under the Regulation. Thus such partners are precluded from participating in these actions, which is inconsistent and poses a serious setback to the attainment of objectives of Article 4(3).

It is therefore proposed to open up participation in the award of procurement or grant contracts under Article 4(3) to participation on a global basis.

(3) amend the allocation of the IfS financial envelope: Article 24 of the Regulation specifies that no more than 7% of the overall reference amount shall be allocated to measures falling under Article 4(1), namely threats to law and order, to the security and safety of individuals, to critical infrastructure and to public health.

The share of the financial envelope intended for such measures has proven to be inadequate and needs to be increased, as the areas covered by this Article are numerous and, even with multi-purpose programmes, only a few can be handled effectively with the scarce resources available. Developing effective actions in the area of critical infrastructure, public health risks and global responses to trans-regional threats requires more substantial measures to allow real impact, visibility and credibility. It is therefore proposed to increase the maximum share for measures under Article 4(1) from 7% to 10%.

IMPACT ASSESSMENT: not applicable.

BUDGETARY IMPLICATION: the proposal has no implications for the Community budget.