



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.06.2000
COM(2000)396 final

1999/0070 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2) (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

on Development Co-operation with South Africa

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

1. INTRODUCTION

Article 251, paragraph 2 (c) of the Treaty requires that the Commission give an opinion on the amendments proposed by the European Parliament in second reading. The Commission gives below its opinion on the 2 amendments proposed by Parliament.

2. HISTORY OF THE FILE

- a) On 15 March 1999 the Commission transmitted to the European Parliament and to the Council its proposal for a regulation [COM (1999) 124 final – 1999/070(COD)].
- b) The European Parliament approved the proposal of the Commission on 5 May 1999 in first reading, subject to 6 amendments.
- c) On 14 July 1999 the Commission adopted, in accordance with Article 250 paragraph 2 of the Treaty, a modified proposal for decision incorporating all or part of 3 of the amendments proposed by the Parliament [COM (1999) 335 Final].
- d) Council adopted its Common Position on 28 February 2000.
- e) On 16 May 2000, the European Parliament adopted in second reading a favourable resolution containing 2 amendments to the Common Position.

3. PURPOSE OF THE COMMISSION'S PROPOSAL

The Regulation on development cooperation with South Africa subject of the proposal is intended to replace the existing Regulation (2259/96) which expired on 31 December 1999. The proposed Regulation is considered to be a crucial instrument for the Commission, in that it establishes the legal framework to enable the Commission to pursue the activities of development cooperation undertaken in the past years. It defines the aims and sectors of future intervention in the light of the evolution of the socio-political context within South Africa and of South Africa towards the outside world, in particular in relation to the recently signed Trade, Development and Cooperation Agreement (TDCA) with the European Union. The proposed Regulation establishes the source and level of financial resources for the development cooperation activities under Budget line B7-3200.

4. OPINION OF THE COMMISSION ON THE EUROPEAN PARLIAMENTS AMENDMENTS

1.1. 4.1 Amendments retained by the Commission

On amendment 1:

Amendment 1 is accepted by the Commission. While the threshold for comitology procedure of 5 million EURO is considerably lower than that proposed by the Commission, (to favour strategic and programming discussion with the Committee rather than debate on individual projects), it represents an improvement on that proposed by Council in its Common Position. In the case of South Africa, the Commission is willing to accept the figure of 5 million EURO as an acceptable compromise with which, in the light of programming discussions with South Africa,

it can work satisfactorily, so as not to jeopardise the adoption of the Regulation, but insists that this position cannot be taken to set a precedent for the acceptance of low comitology thresholds.

On amendment 2:

As a result of the difficult budgetary situation caused by new political commitments decided by the Council for the Western Balkans, the Commission took note on 3 May 2000 of the new indicative programming for the 2000-2006 financial perspective in heading 4. A target of 850.5 million EURO for South Africa was foreseen for the period.

Should the legislative authority decide on a higher financial framework for the period, thus requiring higher annual budgetary allocations, the increase would have to be drawn from other articles in heading 4.

The Commission will not therefore oppose amendment 2, on the grounds that the additional annual amount for South Africa will be covered by a corresponding reduction of the allocation for “other development co-operation actions” in heading 4.

5. CONCLUSION

Under Article 250, paragraph 2 of the EC Treaty, the Commission is willing to modify its proposal in the aforementioned terms.