

Opinion of the European Economic and Social Committee on ‘Neighbourhood, Development and International Cooperation Instrument and Nuclear Safety Cooperation Instrument’

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Section responsible	External Relations
Adopted in section	23.11.2018
Adopted at plenary	12.12.2018
Plenary session No	539
Outcome of vote (for/against/abstentions)	176/0/1

1. Conclusions and recommendations

1.1. *Neighbourhood, Development and International Cooperation Instrument*

1.1.1. The European Economic and Social Committee supports the general and specific objectives of the proposal and considers that the move to streamline the instruments used in relation to neighbourhood and third countries is welcome and useful. The EU must build a constructive, realistic and pragmatic relationship with the neighbourhood and third countries, in which values should remain central.

1.1.2. The Committee notes the determination evident in this proposal, on the part of the Commission and the other European institutions and the Member States, to support the development of civil society, democracy and human rights protection systems. The functioning of the new consolidated instrument should be, in all the phases, from planning to monitoring and evaluation, geared to promote EU values, including the rule of law, integrity, pluralism, democracy and protection of human rights. In this context, the Committee urges the European Commission to significantly increase the allocation for the human rights and democracy, and civil society thematic programmes.

1.1.3. The Committee supports the objective of the Neighbourhood, Development and International Cooperation Instrument which is to uphold and promote the Union's values and interests worldwide in order to pursue the objectives and principles of its external action. The communication further states that when implementing this Regulation, consistency with other areas of external action and with other relevant EU policies will be ensured as reflected in the 2030 Agenda for Sustainable Development (2030 Agenda). This means taking into account the impact of all policies on sustainable development at all levels — nationally, within the EU, in other countries and at global level.

1.1.4. The Committee takes this opportunity to remind the European Union that the 2030 Agenda envisages a world in which every country, taking into account different levels of national development and capacities, enjoys sustained, inclusive and sustainable economic growth, social development, including decent work for all, and environmental protection. A world in which democracy, good governance and the rule of law as well as an enabling environment at national and international levels, are essential elements for sustainable development.

1.1.5. This major responsibility to support the 2030 Agenda's plan of action for people, planet and prosperity requires a greater focus on the support instruments, and how they are organised and tie in with the difficult realities of global politics. Streamlining and unifying the instruments used constitutes a big step forward towards efficient, priority-oriented action in pursuit of the proposed objectives. The EU is often in a position to act decisively in support of the most vulnerable groups and individuals. This is a responsibility which must be kept up and duly shouldered.

1.1.6. Neighbourhood and third countries face a number of major, diverse and overlapping problems. In the current global climate, in which reforms promoting democratisation, political stabilisation and economic development appear to have stalled, the EU must step up its efforts rather than abandoning them. It should maintain permanent contact with the governments of neighbouring and third countries, motivating and encouraging them to cooperate responsibly. Its partnership-based relations with these governments should be solid, assertive and firmly geared towards improving the living conditions of the people living there.

1.1.7. The Committee is in favour of the EU being proactive between now and 2030, to support the end of poverty and hunger; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources.

1.1.8. The Committee welcomes the move in this proposal to reduce the administrative burden on the EU institutions and the Member States and focus more on the political objectives and the commitment to external partners. The Committee welcomes and supports the significant advances put forward in the proposal: greater simplification and flexibility and better monitoring of results.

1.1.9. The Committee welcomes the fact that the European Parliament's budgetary and scrutiny powers would be expanded following the incorporation of the activities currently financed by the European Development Fund (EDF) into the EU budget.

1.1.10. The Committee encourages the European Commission to build on the gains and advances made with the preceding instruments. For example, the Instrument for Democracy and Human Rights recognised all the economic, social and cultural rights, and promoted social dialogue⁽¹⁾. The civil society organisations fighting for freedom, democracy, human rights and fair electoral processes were supported despite the hostile attitude of some governments towards them. This commitment should be maintained and advanced.

1.1.11. The Committee highlights the importance of democratic and electoral processes in the neighbourhood and third countries, and encourages the European Commission to give priority to the development of strong and independent electoral institutions. The EU institutions should work closely with the Venice Commission, the Council of Europe, the OSCE and the networks of electoral experts so as to give substance to their crucial support towards fair and solid electoral processes.

1.1.12. The Committee encourages the Member States to fully cooperate, by virtue of their longstanding relationship with neighbourhood and third countries, in order to enhance the results of the functioning of the instrument.

1.1.13. The Committee supports the recommendations put forward in the opinion by the Committee of the Regions and also encourages the Commission to ensure in all cases that the relevant stakeholders, including local and regional authorities, are duly consulted and have timely access to relevant information allowing them to play a meaningful role during the design, implementation and associated monitoring process of programmes. The Committee also highlights that democracy at subnational level should be included in the guiding principles, as the local and regional level is where citizens can experience democracy most directly.

1.2. Nuclear Safety Cooperation Instrument

1.2.1. In regard to the European Instrument for Nuclear Safety, after the Fukushima nuclear catastrophe, it became perfectly clear that the problems and risks of using nuclear energy are global. Unfortunately, the proposal does not engage at strategic and political level with the legitimate demand for long-term planning for nuclear energy coming from citizens, civil society, and the business sector.

⁽¹⁾ Opinion of the European Economic and Social Committee on the European Instrument for Democracy and Human Rights (EIDHR), rapporteur: Mr Iuliano (OJ C 182, 4.8.2009, p. 13); opinion of the European Economic and Social Committee on *The Development Cooperation Instrument (CDI) of the European Union: the role of organised civil society and the social partners*, rapporteur: Mr Iuliano (OJ C 44, 11.2.2011, p. 123).

1.2.2. The Committee welcomes the intention of the Commission to include activities in the nuclear field that are in line with the development and international cooperation policy for health, agriculture, industry and social projects addressing the consequences of any nuclear accident. However, it is not clear how the budget available and the institutional settings in place are able to deliver on this intention in practice.

1.2.3. The role of the International Atomic Energy Agency is essential and the agency should take responsibility in ensuring transparency and early warning with regard to the development of new nuclear power plants worldwide. The EU should fully cooperate with global institutions and organisations to promote nuclear safety.

1.2.4. Renewed efforts are necessary in order to ensure that existing and planned sites in the European neighbourhood operate with high standards of transparency and safety. The EESC urges all Member States to support this objective and make nuclear safety a key objective of bilateral and multilateral relations with the partner countries.

1.2.5. Moreover, considering the key global challenges related to nuclear energy, and the presence of a high number of nuclear energy sites in its neighbourhood, the Committee sees the projected financial envelope for the implementation of this Regulation for the 2021-2027 period of EUR 300 million in current prices as highly insufficient.

2. General comments

2.1. *Background to the proposal — Neighbourhood, Development and International Cooperation Instrument*

2.1.1. The communication sets the main priorities and overall budgetary framework for EU external action programmes under the heading 'Neighbourhood and the World', including the establishment of the Neighbourhood, Development and International Cooperation Instrument.

2.1.2. Through this proposal the EU will continue to be able to play an active role in promoting human rights, prosperity, stabilisation, development, security, fighting root causes of irregular migration, trade, the fight against climate change and the protection of the environment among other issues. However, it will be able to do so in a more comprehensive way while providing more flexibility to move resources to where they are needed as the international context changes.

2.1.3. This proposal provides an enabling framework through which external action policies and international obligations can be implemented. The international obligations include the 2030 Agenda for Sustainable Development, the Paris Agreement on Climate Change, the Addis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction (2015-2030) and UN Security Council Resolution 2282 (2016) on sustaining peace. Within the EU, the policy framework includes the Treaty provisions on external action, which are further detailed through the EU Global Strategy on Foreign and Security Policy, the new European Consensus on Development, the renewed EU-Africa Partnership and the reviewed European Neighbourhood Policy, amongst other policy documents. The Regulation will also constitute the framework for implementing the successor partnership to the current Cotonou Agreement, which establishes an association and partnership between the members of the African, Caribbean and Pacific Group of States, and the European Union and its Member States.

2.1.4. The impact assessment concluded that most instruments aside from those with a very specific nature such as humanitarian aid with its principle of neutrality could be merged into one instrument, namely: the Common Implementing Regulation, Development Cooperation Instrument, European Development Fund, European Fund for Sustainable Development, External Lending Mandate, European Neighbourhood Instrument, European Instrument for Democracy and Human Rights, Guarantee Fund, Instrument contributing to Stability and Peace, and Partnership Instrument. Those instruments that should remain separate are: the instrument for pre-accession assistance; humanitarian aid; the common foreign and security policy budget; overseas countries and territories including Greenland; the EU's Union Civil Protection Mechanism; the EU aid volunteers scheme; support for the Turkish Cypriot community; the Emergency Aid Reserve; and the new European Peace Facility.

2.1.5. Streamlining a number of instruments within one broad instrument will provide an opportunity to rationalise management and oversight systems, and so reduce the administrative burden for EU institutions and Member States. Instead of focusing on multiple programming processes, debates would be more focused on political objectives and engagement with external partners. In addition, actions that receive cumulative funding from different Union programmes will be audited only once, covering all involved programmes and their respective applicable rules.

2.1.6. Simplification does not mean there would be less scrutiny or accountability. The interinstitutional balance would be fully preserved. Rather, the budgetary and scrutiny powers of the European Parliament would be extended by the incorporation of the activities currently financed by the European Development Fund into the EU budget.

2.1.7. The financial envelope is to be composed of:

a) EUR 68 000 million for geographic programmes:

- for the EU's Neighbourhood at least EUR 22 000 million;
- for Sub-Saharan Africa at least EUR 32 000 million;
- for Asia and the Pacific EUR 10 000 million;
- for Americas and the Caribbean EUR 4 000 million;

b) EUR 7 000 million for thematic programmes:

- for Human Rights and Democracy EUR 1 500 million;
- for Civil Society Organisations EUR 1 500 million;
- for Stability and Peace EUR 1 000 million;
- for Global Challenges EUR 3 000 million;

c) EUR 4 000 million for rapid response actions.

2.1.8. The emerging challenges and priorities cushion of an amount of EUR 10 200 million will increase the amounts referred to in Article 6(2) in accordance with Article 15.

2.1.9. The countries most in need, in particular the Least Developed Countries, low income countries, countries in crisis, post-crisis, fragile and vulnerable situations, including small island developing states, are to be given priority in the resource allocation process.

2.1.10. The Stability and Peace and Human Rights and Democracy programmes, as well as the rapid response actions, are open to entities from all countries due to the Union interest to have the widest possible offer in light of the worldwide scope of the actions, the difficult circumstances in which assistance is provided and the need to act rapidly. International organisations are also eligible.

2.1.11. The new European Consensus on Development ('the Consensus'), signed on 7 June 2017, provides the framework for a common approach to development cooperation by the Union and its Member States to implement the 2030 Agenda and the Addis Ababa Action Agenda. Eradicating poverty, tackling discrimination and inequalities, leaving no one behind and strengthening resilience are at the heart of development cooperation policy.

2.1.12. In particular, as agreed in the Consensus, actions under this Regulation are expected to contribute 20 % of the Official Development Assistance funded under this Regulation to social inclusion and human development, including gender equality and women's empowerment.

2.1.13. In order to ensure resources are provided to where the need is greatest, especially to the Least Developed Countries and the countries in a situation of fragility and conflict, this Regulation should contribute to the collective target of reaching 0,20 % of the Union Gross National Income towards Least Developed Countries within the timeframe of the 2030 Agenda.

2.1.14. This Regulation should reflect the need to focus on strategic priorities, both geographically — the European Neighbourhood and Africa, as well as countries that are fragile and most in need, but also thematically — security, migration, climate change and human rights.

2.1.15. The European Neighbourhood Policy, as reviewed in 2015, is aimed at stabilising neighbouring countries and strengthening resilience, particularly by balancing the three dimensions of sustainable development: economic, social and environmental. In order to attain its objective, the reviewed European Neighbourhood Policy has been focusing on four priority areas: good governance, democracy, the rule of law and human rights, with a particular focus on engaging further with civil society; economic development; security; migration and mobility, including tackling the root causes of irregular migration and forced displacement.

2.1.16. Whilst democracy and human rights, including gender equality and women's empowerment should be reflected throughout the implementation of this Regulation, Union assistance under the thematic programmes for human rights and democracy and civil society organisations should have a specific complementary and additional role by virtue of its global nature and its independence of action from the consent of the governments and public authorities of the third countries concerned.

2.1.17. Civil society organisations should embrace a wide range of actors with different roles and mandates which includes all non-State, not-for-profit structures, non-partisan and non-violent, through which people organise to pursue shared objectives and ideals, whether political, cultural, social or economic. Operating from the local to the national, regional and international levels, they comprise urban and rural, formal and informal organisations.

2.1.18. This Regulation should enable the Union to respond to challenges, needs and opportunities related to migration, in complementarity with Union migration policy and its 2030 Agenda commitment. This commitment (SDG 10.7) recognises the positive contribution of migrants for inclusive growth and sustainable development; acknowledges that international migration is a multi-dimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses; and commits to cooperate internationally to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants regardless of migration status, of refugees and of displaced persons. Such cooperation should also strengthen the resilience of communities hosting refugees.

2.2. *Specific comments*

2.2.1. The Sustainable Development Goals (SDGs) provide a good basis for increasing consistency between internal and external policies and the Committee considers that focusing on SDGs 16.3, 16.6 and 16.7, promoting democracy, the rule of law, transparent institutions and participatory and representative decision-making are important to unify efforts and give them strategic direction.

2.2.2. The new instrument has the advantage of promoting the consistency of external measures and action. This consistency should be promoted both at the level of European governance of the instrument and at the level of neighbourhood and third countries. The central and local administrations of these countries are not equally equipped to coordinate and implement the programmes. Arrangements for coordinating the various activities at the level of each government should be set up with the assistance of the EU and with the support and participation of civil society and social stakeholders.

2.2.3. The range of challenges and needs in the partner countries means that stronger planning processes are needed for each country. This is recognised in the 2030 Agenda's Means of Implementation and SDG 17 which states that 'The scale and ambition of the new Agenda requires a revitalised Global Partnership to ensure its implementation. This Partnership will work in a spirit of global solidarity. It will facilitate an intensive global engagement in support of implementation of all the Goals and targets, bringing together Governments, the private sector, civil society and other actors and mobilizing all available resources.'

2.2.4. The Committee believes that such a process should be established and the process should generate an integrated plan for each country, which would be subject to political consensus and a priority for the administrative level. This plan will, in practice, ensure synergies and complementarities, and help to identify measures and the impact of European support in the partner countries.

2.2.5. The Committee considers that efforts to simplify the administrative and financial procedures should be made a priority, so as to make it much easier for civil society organisations and local authorities to access EU financial support.

2.2.6. The Committee supports the position that the amount allocated to external action should not be less than the sum of the European Development Fund and the other external financing instruments combined. It also agrees with transferring the flexibilities of the EDF to the EU budget.

2.2.7. The Committee highlights the importance of SDG 16, specifically the governance structure of the new instrument and of the decision-making procedures within it. As the representative of European organised civil society, with expertise and links in many neighbourhood and third countries, the Committee offers to play a role in this instrument, in all phases of its measures and projects.

2.2.8. The Committee hopes that the replacement of the existing European Instrument for Democracy and Human Rights, which supports SDG 16, specifically interventions in the area of human rights, fundamental freedoms and democracy in third countries, will in no way affect the coverage and structure of those measures, but rather strengthen them.

2.2.9. The Committee appreciates that there is an urgent need for action at national and international levels to combat climate change and supports the EU's objective of dedicating at least 25 % of its budget to this purpose.

2.2.10. The Committee wants to reiterate the 2030 Agenda's statement on the interlinkages and integrated nature of the SDGs which are of crucial importance in ensuring that the purpose of this Agenda is realised. We recommend setting up cross-cutting programmes, which would cover several relevant areas of action and be able to deliver tangible results in the individual third countries. As an example, climate change is adversely affecting agricultural activities in sub-Saharan Africa. The fact that it is not possible to farm the land is leading to the break-up of communities and constitutes a major cause of migration to Europe. In practice, these people could be considered 'climate refugees', and this requires a complex response, at the centre of which should be halting desertification, as well as rolling out support programmes both for those at risk and for those who have decided to migrate.

2.2.11. The third countries which are also countries of origin for migrants and refugees should be assisted towards improving their capacities and economic infrastructure, and helped in facing the biggest challenges — economic, political, social and environmental. The instrument should engage with the root causes of migration, especially with regard to the refugees, and use strategically the existing resources so as to promote, peace, stability, democracy and prosperity in the partner countries.

2.2.12. The Committee notes that 10 % of the EU's financial envelope is expected to be dedicated to addressing the root causes of irregular migration and forced displacement and to supporting migration management and governance including the protection of refugees and migrants' rights within the objectives of this Regulation. The Committee takes this opportunity to remind the EU and its Member States to adhere to their international obligations with regards to migrants.

2.2.13. As with the planning process referred to above, when it comes to monitoring, assessing and reporting on the implementation of the Regulation, the Committee recommends including a country-by-country perspective. Grouping the actions and indicators by country could help to identify synergies and complementarities, or the lack thereof, and their consistency with the fundamental objectives of EU policy.

2.2.14. As a general principle, the Committee would encourage the European Commission to ensure in all cases that the relevant stakeholders in partner countries, including civil society organisations and local authorities, are duly consulted and have timely access to relevant information allowing them to play a meaningful role during the design, implementation and associated monitoring processes of programmes.

2.2.15. The Committee welcomes the move to apply the principle of living up to responsibilities when it comes to partner countries, and considers that using partner countries' systems to implement the programmes is also the right tack. However, it should be pointed out that this can only happen if the right conditions are in place and if there are credible guarantees as to the efficiency, integrity and impartiality of those systems.

2.2.16. As regards the geographic programming and the establishment of a specific, tailor-made framework for cooperation, the Committee recommends that the European Commission should not only take into account national indicators, but also focus on territorially defined communities at risk of being ignored. Rural communities and communities that are remote from capital cities and urban centres are often critically precarious and vulnerable. They should first become visible, and be taken into account in the planning process.

2.2.17. The geographic programming should also take into account the situation of non-territorial social groups and communities that may face serious problems, such as young people, older people, people with disabilities and other categories.

2.3. *Background to the proposal — the European Instrument for Nuclear Safety*

2.3.1. The objective of the new European Instrument for Nuclear Safety is to promote the establishment of effective and efficient nuclear safety standards in third countries in accordance with Article 206 of the Euratom Treaty, building on the experience of nuclear safety activities within the Euratom Community.

2.3.2. The objective of this Regulation is to complement those nuclear cooperation activities that are financed under [the Regulation NDICI], in particular in order to support the promotion of a high level of nuclear safety, radiation protection, and the application of effective and efficient safeguards of nuclear materials in third countries, building on the activities within the Community and in line with the provisions of this Regulation. This Regulation shall in particular aim at:

- (a) the promotion of an effective nuclear safety culture and implementation of the highest nuclear safety and radiation protection standards, and continuous improvement of nuclear safety;
- (b) responsible and safe management of spent fuel and radioactive waste and the decommissioning and remediation of former nuclear sites and installations;
- (c) establishing efficient and effective safeguard systems.

2.3.3. Actions funded under this proposal should be consistent and complementary to those carried out under the Neighbourhood, Development and International Cooperation Instrument, covering nuclear activities, the Instrument for Pre-Accession, the Decision on Overseas Countries and Territories, the common foreign and security policy and the newly proposed European Peace Facility, which is financed outside the EU budget.

2.3.4. The EU nuclear industry operates in a global market with a value of EUR 3 trillion up to 2050 and directly employs half a million people. Across 14 Member States, 129 nuclear power reactors are in operation, and new-build reactors are planned in 10 of those states. The EU has the most advanced legally binding standards for nuclear safety worldwide, and European companies are heavily involved in global nuclear fuel production. (EESC Press Release *EESC urges the EU to adopt a more comprehensive nuclear strategy (PINC)*, No 58/2016, 22/09/2016).

2.4. *Specific comments*

2.4.1. The Committee welcomes the proposal in the form of a Regulation, ensuring its uniform application, binding nature in its entirety and direct applicability. The Union and the Community are able to complement and responsible for complementing Member States' activities in dealing with potentially dangerous situations or in the event of particularly costly interventions. As the Proposal indicates, in some areas where Member States are not active, the Union and the Community remain the main, and sometimes the only, actors to intervene.

2.4.2. After the Fukushima nuclear catastrophe, it became perfectly clear that the problems and risks of using nuclear energy are global. The EU has a unique profile, which makes it one of the main responsible and resourceful actors in the global drive for both nuclear safety and also clean energy technologies.

2.4.3. Unfortunately, the proposal does not engage at strategic and political level with the legitimate demand for long-term planning for nuclear energy coming from citizens, civil society, and the business sector. It is not clear how the EU will use its resources to address the key challenges of nuclear energy, in relation to growing concerns and needs for clean and affordable energy, in the EU and in the world.

2.4.4. The role of the International Atomic Energy Agency is essential and the agency should take responsibility in ensuring transparency and early warning with regard to the development of new nuclear power plants worldwide. The EU should fully cooperate with global institutions and organisations to promote nuclear safety.

2.4.5. The EU should actively promote the highest standards of nuclear safety and make sure that the most advanced European procedures, best practices and technology are promoted worldwide, with a view to ensuring that newly planned installations and reactors are safe.

2.4.6. Renewed efforts are necessary in order to ensure that existing and planned sites in the European neighbourhood operate with high standards of transparency and safety. The EESC urges all Member States to support this objective and make nuclear safety a key objective of bilateral and multilateral relations with the partner countries.

2.4.7. The EESC maintains its view that the European Commission failed to reflect on the burning issues of the competitiveness of nuclear power, its contribution to security of supply and to climate change and carbon targets, its safety along with the questions of transparency and preparation for emergencies, in its proposal for an illustrative programme (PINC) on nuclear production targets and investment ⁽²⁾.

2.4.8. The Committee welcomes the intention of the Commission to ensure coherence and complementarity with the Neighbourhood, Development and International Cooperation Instrument, including by implementing activities in the nuclear field that are ancillary to its broader objectives, mainly peaceful uses of nuclear energy in line with the development and international cooperation policy for health, agriculture, industry and social projects addressing the consequences of any nuclear accident. However, it is not clear how the budget available and the institutional settings in place are able to deliver on this intention in practice.

2.4.9. Considering the key global challenges related to nuclear energy, and the presence of a high number of nuclear energy sites in its neighbourhood, the Committee sees the projected financial envelope for the implementation of this Regulation for the 2021-2027 period of EUR 300 million in current prices as highly insufficient.

Brussels, 12 December 2018.

The President
of the European Economic and Social Committee
Luca JAHIER

⁽²⁾ European Economic and Social Committee, Opinion on the Nuclear Illustrative Programme, rapporteur: Brian Curtis, adopted on 22 September 2016 (OJ C 487, 28.12.2016, p. 104).