

Thursday 22 April 2004

P5_TA(2004)0360

Democracy, rule of law, human rights and fundamental freedoms in third countries *I**

European Parliament legislative resolution on the proposal for a European Parliament and Council regulation amending Regulation (EC) No 975/1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms (COM(2003) 639 – C5-0507/2003 – 2003/0250(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2003) 639) ⁽¹⁾,
 - having regard to Articles 251(2), 179(1) and 181a(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0507/2003),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Development and Cooperation and the opinion of the Committee on Budgets (A5-0279/2004),
1. Approves the Commission proposal as amended;
 2. Considers that the financial statement of the Commission proposal is compatible with the ceiling of heading 4 of the Financial Perspective without restricting other policies;
 3. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 4. Instructs its President to forward its position to the Council and Commission.

⁽¹⁾ Not yet published in the OJ.

P5_TC1-COD(2003)0250

Position of the European Parliament adopted at first reading on 22 April 2004 with a view to the adoption of Regulation (EC) No .../2004 of the European Parliament and of the Council amending Council Regulation (EC) No 975/1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms and Council Regulation (EC) No 976/1999 laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 179(1) and 181a(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

⁽¹⁾ OJ C [...], [...], p. [...].

⁽²⁾ Position of the European Parliament of 22 April 2004.

Thursday 22 April 2004

Whereas:

- (1) Community action to promote human rights and democratic principles as set out in the Communication of 8 May 2001 from the Commission to the Council and the European Parliament on 'The European Union's Role in Promoting Human Rights and Democratisation in Third Countries' ⁽¹⁾ shall continue beyond 2004. Council Regulation (EC) No 975/1999 of 29 April 1999 ⁽²⁾ and Council Regulation (EC) No 976/1999 of 29 April 1999 have proved to be adequate legal instruments for the implementation of the Community's technical and financial support for human rights and democratisation activities in developing and other third countries in pursuit of the overall objectives in this field. The period of validity of those Regulations, however, expires on 31 December 2004. It is, therefore, necessary to extend that period.
- (2) On the basis of the ratio of the financial reference amounts included in Regulation (EC) No 975/1999 and Regulation (EC) No 976/1999, and the indicative human rights and democratisation appropriations until 2006, an extended financial framework within the meaning of points 33 and 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽³⁾ should be included in the Regulations for the extended duration of the programme.
- (3) The provisions of Regulation (EC) No 975/1999 and Regulation (EC) No 976/1999 on procedures for the implementation of aid should be aligned with the legal requirements of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁴⁾ in the implementation of EU Election Observation Missions.
- (4) The protection of the Community's financial interests and the fight against fraud and irregularities form an integral part of Regulation (EC) No 975/1999 and Regulation (EC) No 976/1999. In particular, agreements and contracts concluded pursuant to the Regulations should authorise the Commission to carry out the measures provided for in Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and irregularities ⁽⁵⁾.
- (5) The measures necessary for the implementation of Regulation (EC) No 975/1999 and Regulation (EC) No 976/1999 should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁶⁾.
- (6) Regulation (EC) No 975/1999 and Regulation (EC) No 976/1999 should, therefore, be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 975/1999 is amended as follows:

1) The following point is added in Article 2(2):

'(h) supporting efforts to foster the establishment of groupings of democratic countries within United Nations bodies, specialised agencies and regional organisations.'

2) The following sentence is added at the end of Article 4(1):

'In the case of EU Election Observation Missions and 'amicus curiae' proceedings, natural persons are eligible for financing under this Regulation.'

⁽¹⁾ COM(2001) 252 final.

⁽²⁾ OJ L 120, 8.5.1999, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽³⁾ OJ C 172, 18.6.1999, p. 1. Agreement as last amended by Decision 2003/429/EC of the European Parliament and of the Council (OJ L 147, 14.6.2003, p. 25).

⁽⁴⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁵⁾ OJ L 292, 15.11.1996, p. 2.

⁽⁶⁾ OJ L 184, 17.7.1999, p. 23.

Thursday 22 April 2004

- 3) The first sentence of Article 5 is replaced by the following:

'To be eligible for Community aid, the partners referred to in Article 4(1) first sentence must have their main headquarters in a third country eligible for Community aid under this Regulation or in a Member State of the Community.'

- 4) Article 7(3) is replaced by the following:

'3. Community financing under this Regulation shall take the form of grants or contracts. Within the framework of operations under Article 2, *members* of EU Election Observation Missions paid from the human rights and democratisation appropriations shall be recruited in accordance with the procedures laid down by the Commission.'

- 5) The first *paragraph* of Article 10 is replaced by the following:

'The financial *framework* for the implementation of this Regulation during the period 2005 to 2006 shall be EUR 134 million.'

- 6) Articles 11 and 12 are replaced by the following:

'Article 11

1. The Commission shall adopt the framework for the programming and identification of Community activities.

The framework shall consist, in particular, of

- (a) multiannual indicative programmes and annual updates of these programmes,
- (b) annual work programmes.

In particular situations, specific measures not covered by an annual work programme may be approved.

2. The Commission shall produce an annual report setting out programming for the coming year by region and by sector, and shall report back on the implementation to the European Parliament.

The Commission shall be responsible for managing and adapting, in conformity with this Regulation and according to the requirements of flexibility, the annual work programmes that were defined in the overall framework of the multiannual setting. The decisions made shall reflect the priorities and main concerns of the European Union for the consolidation of democracy, the rule of law and respect for human rights, and shall be determined by the unique nature of the programmes. The Commission shall keep the European Parliament fully informed of the proceedings.

3. The Commission shall implement Community operations under this Regulation in accordance with the budgetary and other procedures in force, in particular those laid down in Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (*).

Article 12

1. The instruments referred to in Article 11 (1) shall be adopted in accordance with the procedure referred to in Article 13(2).

In cases where amendments to annual work programmes referred to in Article 11(1)(b) do not exceed 20 % of the global amount allocated to them or do not substantially change the nature of the projects or programmes contained therein, those amendments shall be adopted by the Commission. It shall inform the committee referred to in Article 13(1).

2. Without prejudice to Article 14, financing decisions on projects and programmes not covered by annual work programmes and exceeding EUR 1 million shall be adopted in accordance with the procedure referred to in Article 13(2).

(*) OJ L 248, 16.9.2002, p. 1.'

Thursday 22 April 2004

7) Article 13(2) is replaced by the following:

‘2. Where reference is made to this paragraph, Articles 4 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period provided for in Article 4 (3) of Decision 1999/468/EC shall be 30 days.

(*) OJ L 184, 17.7.1999, p. 23.’

8) The second sentence of Article 15 is deleted.

9) Article 17 is replaced by the following:

‘Article 17

Any agreement or contract concluded pursuant to this Regulation shall expressly provide for the Commission and the Court of Auditors to exercise their powers of control, on documents and on the premises, over all contractors and subcontractors who have received Community funds. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities’ financial interests against fraud and irregularities (*) shall apply.

(*) OJ L 292, 15.11.1996, p. 2.’

10) In the second paragraph of Article 20, the date ‘31 December 2004’ is replaced by the date ‘31 December 2006’.

Article 2

This Regulation shall enter into force on 1 January 2005.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ..., on ...

For the European Parliament
The President

For the Council
The President

P5_TA(2004)0361

European Capital of Culture 2005-2019 ***I

European Parliament legislative resolution on the proposal for a European Parliament and Council decision amending Decision 1419/1999/EC establishing a Community action for the ‘European Capital of Culture’ event for the years 2005 to 2019 (COM(2003) 700 – C5-0548/2003 – 2003/0274(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2003) 700) (1),
- having regard to Articles 251(2) and 151(5) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0548/2003),

(1) Not yet published in the OJ.