

# Procedure file

Basic information		
CNS - Consultation procedure Regulation	1997/0191B(CNS)	Procedure completed
Cooperation, third countries: democracy, rule of law, respect of human rights and fundamental freedoms		
Amended by <a href="#">2004/0807(CNS)</a>		
Subject 6.10.08 Fundamental freedoms, human rights, democracy in general 6.30 Development cooperation		

Key players			
European Parliament	Committee responsible		Rapporteur
	<b>AFET</b> Foreign Affairs, Security and Defense Policy		Appointed 29/10/1997
			PPE <a href="#">GALEOTE Gerardo</a>
	Committee for opinion		Rapporteur for opinion
	<b>BUDG</b> Budgets		Appointed 23/09/1997
			ELDR <a href="#">VIRRANKOSKI Kyösti</a>
	<b>RELA</b> External Economic Relations		27/10/1997
			UPE <a href="#">VAN BLADEL Leonie G.L.</a>
	<b>JURI</b> Legal Affairs, Citizens' Rights		The committee decided not to give an opinion.
	<b>DEVE</b> Development and Cooperation		29/09/1998
			PSE <a href="#">TORRES COUTO José Manuel</a>
Council of the European Union	Council configuration		Meeting
	Industry		<a href="#">2174</a> Date 29/04/1999

Key events			
24/07/1997	Initial legislative proposal published	COM(1997)0357	Summary
01/07/1998	Legislative proposal published	<a href="#">09582/1998</a>	Summary
18/09/1998	Committee referral announced in Parliament		
24/03/1999	Vote in committee		Summary
24/03/1999	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0153/1999</a>	

13/04/1999	Debate in Parliament		
14/04/1999	Decision by Parliament	T4-0310/1999	Summary
29/04/1999	Act adopted by Council after consultation of Parliament		
29/04/1999	Modified legislative proposal published	COM(1999)0207	Summary
29/04/1999	End of procedure in Parliament		
08/05/1999	Final act published in Official Journal		

### Technical information

Procedure reference	1997/0191B(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by <a href="#">2004/0807(CNS)</a>
Legal basis	Rules of Procedure EP 050; EC before Amsterdam E 235
Stage reached in procedure	Procedure completed
Committee dossier	AFET/4/10402

### Documentation gateway

Initial legislative proposal		<a href="#">COM(1997)0357</a> <a href="#">OJ C 282 18.09.1997, p. 0014</a>	24/07/1997	EC	Summary
Legislative proposal		<a href="#">09582/1998</a>	01/07/1998	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0153/1999</a> <a href="#">OJ C 219 30.07.1999, p. 0006</a>	24/03/1999	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0310/1999 <a href="#">OJ C 219 30.07.1999, p. 0176-0283</a>	14/04/1999	EP	Summary
Modified legislative proposal		COM(1999)0207	29/04/1999	EC	Summary
Document attached to the procedure		SEC(2001)0801	22/05/2001	EC	

### Final act

[Regulation 1999/976](#)  
[OJ L 120 08.05.1999, p. 0008](#) Summary

## Cooperation, third countries: democracy, rule of law, respect of human rights and fundamental freedoms

OBJECTIVE: to provide a legal basis for the Community's 'human rights' activities. SUBSTANCE: the proposal for a Regulation specifies the type of support offered by the Community in this field. The Community will support operations aimed at: promoting economic, social and cultural rights, supporting the process of democratic change (including the holding of free and regular elections), promoting the rule of law (independence of the judiciary, institutional reforms), supporting local, national, regional or international institutions involved in the protection of human rights and supporting efforts to establish a permanent international criminal court, promoting civil society, promoting the independence of the press, supporting human rights education, promoting equal opportunities, promoting good governance and measures to fight corruption, supporting conflict prevention and the observance of humanitarian law, supporting efforts to reintegrate demobilized troops into civilian life, promoting the rights of children, migrants, displaced persons, etc. and supporting action against trafficking in human beings, protecting ethnic

or religious minorities etc., protecting indigenous peoples (their rights and cultures). Measures will be taken by the Commission at the request of its partners or on its own initiative. They will be coordinated with, and will complement, measures adopted by Member States and international organizations active in this field. The Commission will be responsible for managing and implementing measures. It will be assisted by an advisory committee with regard to certain decisions of a financial nature. Finally, provision is made for emergency measures; the Commission may respond to urgent and unforeseeable needs arising from the sudden suspension of the democratic process or the emergence of a state of crisis. In such cases it will take its decision alone and inform the Member States forthwith. Provision is made for the regular

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**OBJECTIVE:** to lay down provisions implementing measures to promote human rights in third countries, other than measures implemented as part of the Community's development cooperation. **SUBSTANCE:** the proposal for a Regulation complements the proposal for a Regulation on the implementation of measures to promote democracy and respect for human rights in developing countries (SYN97191). Apart from technical details of the implementation of measures, the proposal lays down a financial reference amount of EUR 150 m for the period of application of the Regulation (1999-2004). On the technical side, the measures to be carried out must be implemented within the framework of existing programmes of cooperation with third countries (Takis, Phare, Meda and the Regulations on Bosnia) and any future measure relating to third countries in these fields implemented on the basis of Article 235 of the Treaty on European Union. As in the case of the proposal on democratisation in developing countries, this proposal lays down the general Community support framework. The measures to be implemented essentially have the same objectives: 1) promotion and defence of human rights and fundamental freedoms (promotion and protection of civil and political rights, economic, social and cultural rights, etc); 2) support for democratisation (consolidation of the rule of law, support for the judiciary, promotion of pluralism and proper administration of public affairs, support for electoral processes, etc.); 3) consolidation of respect for human rights in support of conflict prevention (assistance with the establishment of early warning systems, the peaceful settlement of civil disputes, promotion of humanitarian law, etc.). The Community measures will comprise technical and financial assistance. The measures will be implemented by the Commission at the request of partners or on its own initiative, consistently with, and as a complement to, the measures of the Member States. Provision is made for determining the criteria for assessing the eligibility of the Community's partners (NGOs and other bodies based in the Community or, exceptionally, elsewhere). The Commission will be responsible for managing, implementing and monitoring the measures. It will be assisted by a committee consisting of representatives of the Member States (enabling the Commission to respond to immediate, unforeseeable needs arising from the brutal suspension of the democratic process or from a crisis). In this case, the Commission will be empowered to take its decision with the aid of Member States, which will be permitted to lodge objections only within 5 days. A regular evaluation of the measures is provided for, as is the submission of an annual report on all the measures financed. This will be forwarded to the Council and Parliament. Within 3 years of the entry into force of the Regulation, the Commission is to submit a general assessment of the measures taken, together with proposals for extending the Regulation if appropriate. The Regulation should expire on 31.12.2004.?

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[Unknown:fe][Unknown:fe][Unknown:fd][Unknown:fd][Unknown:fe][Unknown:fe]The Committee voted to endorse the proposal for a Council Regulation which aims to provide a legal basis for the EU's human rights activities by setting out the cases when it is appropriate to provide EU funding in support of human rights and fundamental freedoms, democratisation and conflict prevention measures in third countries. It does not cover measures implemented as part of the EU's development cooperation for which a separate and similar regulation is also under consideration by Parliament. The EU measures will comprise technical and financial assistance, and the Commission will be responsible for managing, implementing and monitoring them with the assistance of a committee consisting of representatives of the member states. The Committee adopted a series of amendments that were tabled by the rapporteur Gerardo GALEOTE QUECEDO (EPP, E). Among other matters these extended the scope of the proposal to include support for the sound management of public affairs; support for refugees and displaced persons; and support for initiatives to abolish the death penalty. Other amendments seek to ensure that small scale and new operators are able to receive funding under the programme and a further one deletes the financial reference amount of ·150 m for the implementation of the programme. Finally amendments were passed increasing the involvement of Parliament in the monitoring of the programme.?

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Adopting the legislative report by Gerardo Saleote Quecedo (PPE,ES) on Community cooperation policy in the field of human rights (cooperation procedure), the European Parliament adds to the scope of the draft regulation the proper management of public affairs in third countries. It also broadens the scope of cooperation to include support for refugees and displaced persons, combatting sexism and initiatives supporting abolition of the death penalty. It also wishes to see measures to explain the aims and outcome of Community operations to public opinion. The report calls for support to be given to small scale partners as well as partners who cannot demonstrate any previous experience in the field of human rights. It also provides that, whatever their ideological allegiance, the partners shall take actions to defend human rights. The Parliament stresses the need for Community visibility and the durability of actions undertaken. It calls for actions to be the subject of a multiannual programme. The report amends the regulation's committee procedure in proposing an advisory committee and a stronger involvement of the European Parliament in its deliberations, in line with the new rules on comitology, soon to come into force (the Commission is required, among other things, to inform the Parliament of emergency measures). The Parliament calls, in particular, for the establishment of an advisory interinstitutional working party on democracy and the protection of human rights which will be consulted on the annual programme or mulitannual programmes set up by the Commission in this area and certain decisions (including emergency measures) relative to the regulation's implementation. The Parliament also wants the Commission to present it with an annual report to allow an overall assessment of

actions in the field of human rights in order to assess to what extent these actions have effectively contributed to the consolidation of democracy and the rule of law. Elsewhere, the Parliament has removed the financial reference amount written into the draft regulation, as well as the article which determines the end of its application (31/12/2004). Finally, it is requested that the Commission should draw up a code of conduct for the partners involved in the operations governed by the regulation in order to improve compliance with its objectives.?

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**PURPOSE:** to lay down the requirements for the implementation of Community operations promoting human rights in third countries, other than those in the framework of development cooperation. **COMMUNITY MEASURE:** Council regulation 976/1999/EC 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. **CONTENT:** this regulation is the counterpart to the regulation laying down the requirements for the implementation of development cooperation operations in the field of human rights and democratisation (SYN97191A). Apart from the technical implementation requirements for the actions, the regulation lays down a financial reference amount for the regulation's implementation period (1999-2004) of EURO 150 million. On the technical front, the actions to be carried out are to be implemented within the framework of existing programmes relating to the cooperation with third countries (including TACIS, PHARE, MEDA) and the regulations relating to Bosnia and Herzegovina) as well as to any future operations of Community cooperation relating to third countries in these fields, implemented on the basis of Article 235 of the Treaty establishing the European Community. More particularly, the actions covered by the regulation relate to: 1) promoting and defending human rights and fundamental freedoms (promotion and protection of civil and political rights, economic, social and cultural rights...); 2) supporting the processes of democratisation (strengthening the rule of law strengthening the judiciary and upholding its independence, promoting the separation of powers and pluralism, good governance, the participation of the people in the decision-making process, support for electoral processes and national efforts to separate civilian and military functions); 3) support for the respect of human rights by preventing conflict and dealing with its consequences (support for the establishment of local early warning systems, the peaceful conciliation of group interests, promotion of international humanitarian law, support for NGOs involved in preventing, resolving and dealing with the consequences of conflict, including the establishment of ad hoc international criminal tribunals and setting up a permanent international criminal court and support for the victims of human rights violations). Community support will take the form of both technical and financial aid. The regulation details what forms Community-supported actions may take (awareness-raising campaigns...). The actions will be implemented by the Commission at the partners' request or on its own initiative, consistent with and complementary to Member States' actions. Provision is made for laying down eligibility criteria for the Community's partners (NGOs and other organisations having their main headquarters in a third country eligible for Community aid under this regulation, in a Member State, or exceptionally in another third country). Among the particular considerations to be given in this respect are organisations' commitment to defending, respecting and promoting human rights and democratic principles in a non-discriminatory manner. The Commission will be responsible for programming, management, monitoring and evaluation of the actions undertaken. It will be assisted by a committee composed of representatives of the Member States (human rights and democracy committee set up by regulation 975/1999/EC). This committee may examine any general or specific issues concerning Community aid in the field and should also play a useful role as a means of improving the coherence of the human rights and democratisation actions of the EU towards third countries. Once a year it will examine the planning for the following financial year. Emergency provisions are also made allowing the Commission to respond to cases of urgent and unforeseeable need arising from the sudden suspension of the democratic process or the emergence of a state of crisis. In such cases, the Commission may finance emergency measures up to a maximum of EURO 2 million. Five working days shall be allowed to the Member States in which to put forward any objections. Coordination measures are proposed in order to strengthen the consistency and complementarity of actions undertaken by the Community and by Member States. A regular assessment of the actions is also provided for as well as the presentation of an annual report on the operations financed. This report will be submitted to the European Parliament and the Council. Three years after the regulation's entry into force, the Commission will submit an overall assessment of the operations financed by the Community under the regulation, which may be accompanied by appropriate proposals concerning its future. **ENTRY INTO FORCE:** 11/05/1999. The regulation shall apply until 31/12/2004.?

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The current proposal amended by the Commission has been drafted in strict correspondence with the text of the proposal SYN970191A, based on Article 130w of the Treaty and covering the actions concerning the developing countries. In view of the need to ensure that the two texts strictly correspond, the Commission's position on the amendments presented by Parliament on the draft Regulation are the same as those set out in the first and second reading of the draft Regulation based on Article 130w. Consequently, the Commission considers that all amendments incorporated in the common position of the draft Regulation based on Article 130w must be included in the draft Regulation based on Article 235. Regarding the amendments approved by the Parliament on 14 April 1999, the Commission has decided to incorporate the following amendments: - the replacement of a type IIIa regulatory committee with an advisory committee; - the deletion of the limit on the Regulation's application (31/12/2004); - the deletion of the amount of financial reference; - information to the European Parliament about urgent interventions; - reinforce the visibility of Community action; - involvement of recipient organisations to disseminate, respect and promote through their actions democratic principles and human rights without any discrimination; - strict limits on administrative and technical assistance. On the other hand, the Commission refuses to keep the Parliament informed about the work of the Committee or to allow for an excessive transparency of the Committee's debates. In addition, the Commission also refuses the procedure asked for by the Parliament concerning emergency operations (that is, prior consultation of the Parliament). Other amendments are refused because they are considered unnecessary or for specific reasons such as: - the introduction of an interinstitutional advisory working party to be systematically consulted beforehand on any measures within the brief of the Committee; - stiffening the requirements relating to the programming of measures; - the notion of good management of public affairs in terms of the fundamental objective of the Regulation (for reasons of the legal system, since this notion can only be put on the same footing as human rights and fundamental freedoms; - the excessive evaluation of projects; - the addition of coordination between the Member States and the European Parliament.?