



# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
European Neighbourhood and Partnership Instrument 2007-2013 Repealing Regulation (EC) No 1488/96 <a href="#">1995/0127(CNS)</a>	
Subject 4.70.05 Regional cooperation, cross-border cooperation 6.30.02 Financial and technical cooperation and assistance 6.40.05 Relations with the Mediterranean and southern European countries 6.40.15 European neighbourhood policy	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AFET</b> <a href="#">Foreign Affairs</a>		02/12/2004
		UEN <a href="#">SZYMAŃSKI Konrad</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>REGI</b> <a href="#">Regional Development</a> (Associated committee)		14/03/2005
		PPE-DE <a href="#">VAN NISTELROOIJ Lambert</a>	
	<b>DEVE</b> Development		02/12/2004
		PSE <a href="#">ZANI Mauro</a>	
	<b>INTA</b> International Trade		25/10/2004
		PPE-DE <a href="#">SAÏFI Tokia</a>	
	<b>BUDG</b> Budgets		31/01/2005
		PPE-DE <a href="#">SURJÁN László</a>	
	<b>ECON</b> Economic and Monetary Affairs	The committee decided not to give an opinion.	
	<b>EMPL</b> Employment and Social Affairs		16/12/2004
		Verts/ALE <a href="#">SCHROEDTER Elisabeth</a>	
	<b>ENVI</b> Environment, Public Health and Food Safety		30/11/2004
		ALDE <a href="#">PRODI Vittorio</a>	
	<b>ITRE</b> Industry, Research and Energy		27/01/2005
		PSE <a href="#">TARAND Andres</a>	
	<b>CULT</b> Culture and Education		25/11/2004
		ALDE <a href="#">GUARDANS CAMBÓ Ignasi</a>	
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs		25/11/2004
		PPE-DE <a href="#">KUDRYCKA Barbara</a>	

Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2755</a>	17/10/2006
European Commission	Commission DG	Commissioner	
	External Relations	FERRERO-WALDNER Benita	

## Key events

29/09/2004	Legislative proposal published	<a href="#">COM(2004)0628</a>	Summary
14/12/2004	Committee referral announced in Parliament, 1st reading		
13/01/2005	Referral to associated committees announced in Parliament		
25/04/2006	Vote in committee, 1st reading		
04/05/2006	Committee report tabled for plenary, 1st reading	<a href="#">A6-0164/2006</a>	
17/05/2006	Debate in Parliament		
06/07/2006	Results of vote in Parliament		
06/07/2006	Decision by Parliament, 1st reading	<a href="#">T6-0306/2006</a>	Summary
17/10/2006	Act adopted by Council after Parliament's 1st reading		
24/10/2006	Final act signed		
24/10/2006	End of procedure in Parliament		
09/11/2006	Final act published in Official Journal		

## Technical information

Procedure reference	2004/0219(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 1488/96 <a href="#">1995/0127(CNS)</a>
Legal basis	EC Treaty (after Amsterdam) EC 181A-p2; EC Treaty (after Amsterdam) EC 179
Stage reached in procedure	Procedure completed
Committee dossier	AFET/6/24199

## Documentation gateway

Legislative proposal		<a href="#">COM(2004)0628</a>	29/09/2004	EC	Summary
Committee opinion	<b>CULT</b>	<a href="#">PE353.612</a>	21/04/2005	EP	
Committee opinion	<b>EMPL</b>	<a href="#">PE353.609</a>	25/05/2005	EP	

Committee opinion	ITRE	<a href="#">PE355.631</a>	21/06/2005	EP	
Committee opinion	LIBE	<a href="#">PE355.591</a>	05/07/2005	EP	
Committee opinion	DEVE	<a href="#">PE359.933</a>	14/07/2005	EP	
Committee opinion	ENVI	<a href="#">PE355.380</a>	19/07/2005	EP	
Committee opinion	INTA	<a href="#">PE353.306</a>	02/09/2005	EP	
Amendments tabled in committee		<a href="#">PE362.419</a>	02/09/2005	EP	
Committee opinion	REGI	<a href="#">PE360.160</a>	28/09/2005	EP	
Committee opinion	BUDG	<a href="#">PE355.358</a>	25/10/2005	EP	
Amendments tabled in committee		<a href="#">PE371.953</a>	30/03/2006	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0164/2006</a>	04/05/2006	EP	
Supplementary legislative basic document		<a href="#">COM(2004)0628/2</a>	24/05/2006	EC	Summary
Document attached to the procedure		<a href="#">COM(2006)0239</a>	24/05/2006	EC	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0306/2006</a>	06/07/2006	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2006)3801</a>	28/08/2006	EC	
Draft final act		<a href="#">03633/1/2006</a>	24/10/2006	CSL	
Follow-up document		<a href="#">COM(2014)0686</a>	30/10/2014	EC	Summary
Follow-up document		SWD(2014)0335	30/10/2014	EC	Summary

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Regulation 2006/1638](#)

[OJ L 310 09.11.2006, p. 0001-0014](#) Summary

## European Neighbourhood and Partnership Instrument 2007-2013

**PURPOSE:** to lay down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI).

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

**CONTENT:** in the context of the new financial perspective 2007-2013 (INI/2004/2209), the Commission is proposing a new Community instrument which will replace existing geographical and thematic programmes covering the countries which do not currently have an accession perspective.

This instrument is in line with the new architecture of the financial instruments implementing external aid. It will be complementary to the Pre-Accession (CNS/2004/0222), the Instrument for Stability (COD/2004/0223), the Economic and Development Cooperation (COD/2004/0220) and humanitarian aid instruments.

In order to assist neighbouring partner countries in achieving their objectives, and to promote cooperation between them and Member States, it is desirable to establish a single policy-driven instrument which will replace a number of existing instruments, ensuring coherence and simplifying assistance programming and management. The proposed instrument will also support crossborder cooperation between partner countries and the Member States bringing substantial efficiency gains operating through a single management mechanism and with a single set of procedures.

**Objectives and partner countries:** the aim is to develop an area of prosperity and close cooperation involving the European Union and the neighbouring countries. Community assistance shall be used for the benefit of partner countries. Assistance may be used for the common

benefit of Member States and partner countries, for the purpose of promoting crossborder and trans-regional cooperation. The draft Regulation covers the following countries: MEDA (Algeria, Egypt, Israel, Palestinian Authority of the West Bank and Gaza Strip, Jordan, Lebanon, Libya, Morocco, Syria and Tunisia), TACIS (Russian Federation, Belarus, Moldova and the Ukraine) and the Caucasus (Armenia, Azerbaijan and Georgia).

A non-exhaustive list is presented which includes objectives specific to the European Neighbourhood Policy alongside other, more conventional, development objectives. This reflects the reality of neighbouring countries, many of which are developing countries. The choice of objectives to be pursued in a given country will be made when establishing country strategies and multiannual programmes.

Policy framework and conditions for assistance: the partnership and cooperation agreements, the association agreements and other existing or future agreements which establish a relationship with partner countries shall provide an overall policy framework for the programming of assistance under this draft Regulation. In the absence of agreements and/or ENP action plans (for instance Belarus and Libya), assistance may still be provided, in particular for crossborder cooperation and whenever relevant to pursue EU policy objectives set out in the relevant Commission communications.

To be eligible for assistance, the partner countries should respect the fundamental values of the Union. In extreme cases where countries do not respect these values, the Union can resort to total or partial suspension of assistance.

Characteristics of assistance: the assistance shall be characterised by 3 general principles for the implementation of this Regulation, namely that assistance shall complement national measures to promote synergy and enhance impact; assistance shall be established in partnership between the Commission and the beneficiaries, and programming of assistance should be carried out involving, as

appropriate, central, regional and local authorities, civil society, economic and social partners; assistance shall be cofinanced in order to promote ownership and maximise its leverage effect.

These principles are also applied in the context of the EU cohesion policy and reflect the dual nature of the instrument (external policy and economic and social cohesion) when it comes to financing crossborder and transregional cooperation between partner countries and Member States.

Programming and allocation of funds: the proposal describes the type of programmes through which assistance will be provided under this Regulation:

- Country and multicountry programmes which cover the assistance provided under this instrument to

a single country (national programme) or a group of countries. They normally include multiple priorities;

- Thematic programmes which are normally used to address in a visible and recognizable way global challenges of particular importance or, when this is considered appropriate, the external projection of internal policies. These will, in most of the cases, address all the partner countries;

- Crossborder cooperation programmes which will cover the eligible border regions of the EU Member States.

It will also be possible to associate Member States in thematic and/or multicountry programmes through transregional cooperation. On that basis, a single financial instrument, the ENPI, will be able to finance joint projects involving beneficiaries from partner countries and Member States. Strategy papers containing multiannual indicative programmes will establish the priorities for assistance and determine multiannual financial allocations to programmes. They will be adopted by the Commission after the opinion of the committee under a management procedure.

Implementation measures: the proposal provides for the Commission's financing decisions to take the form of annual action programmes for countries or regions. This reflects the new principles introduced in the latest Commission regulations. As decisions taken by the Commission in line with the multiannual programming documents approved by the Member States, these action programmes have not been made subject to the committee procedure. Provision is made for the adoption, in the event of unforeseen needs or circumstances, of special measures not provided for in the strategy papers or multiannual indicative programmes. This provision increases the Community's capacity to respond and introduces the flexibility necessary for the effective implementation of the Community's external assistance, especially in emergencies. Specific provisions are made to establish joint programmes bringing together eligible regions of Member States and partner countries. These programmes should normally be bilateral across land borders or sea crossings of significant importance and multilateral for maritime regions. A safeguard clause is included which allows, in exceptional circumstances, Member States' border regions to receive assistance even if a joint programme cannot be established.

Programmes may be implemented under direct centralised management by the Commission from Headquarters and/or through the devolved Delegations using both statutory and temporary staff. They may also be implemented under decentralised management by the beneficiary country and under joint management with international organisations. The Regulation also leaves open the possibility for programme implementation under indirect centralised management arrangements by national public sector bodies or bodies governed by private law with a public service mission or by an executive agency for programme implementation. Cross-border co-operation programmes will be normally implemented through shared management by a managing authority located in Member States.

Evaluation: the Commission is bound to regularly evaluate the results of geographical and thematic policies and programmes and of sectoral policies and the effectiveness of programming. An annual report on implementation shall be sent to the Council and the European Parliament in this context.

The Commission shall submit by 31 December 2011 any proposals concerning the future of this Regulation and any amendments that may be necessary. From its entry into force a series of financial instruments applicable to neighbourhood policy shall be repealed (including Tacis and Meda).

For further information concerning the financial implications of this measure, please refer to the financial statement.

On 29 September 2004, the Commission published a proposal for a European Parliament and Council Regulation aiming to establish a European Neighbourhood and Partnership Instrument (ENPI) for 2007-2013. The aim of this regulation is to provide financial assistance to a large number of neighbouring countries which do not currently have an accession perspective.

The financial envelope provided for the programme was set at EUR 14.929 million (of which EUR 14.332 million for operational expenditure, EUR 371 million for technical and administrative assistance and EUR 226 million for support expenditure).

Following the signing of the Interinstitutional Agreement (IIA) on 17 May 2006 concerning the 2007-2013 financial framework, the Commission adopted new proposals relating to the new financial instruments in the area of external relations which include adjusted amounts for each programme proposed : for a more detailed account of the amounts, please refer to the financial statement.

Concerning the financial resources, the new breakdown of expenditure for the ENPI is as follows : EUR 11.967 million of which 11.498 million for operational expenditure and EUR 291 million for administrative expenditure and EUR 178 for support expenditure.

## European Neighbourhood and Partnership Instrument 2007-2013

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The European Parliament adopted a resolution drafted by Konrad SZYMAŃSKI (UEN, PL) and made several amendments to the Commission's proposal. The main ones are as follows:

1) The use of the management procedure is applicable when defining the implementing rules which will govern the implementation of crossborder cooperation and when adopting strategy papers, action programmes and special measures not provided for in strategy papers whose value exceeds the threshold of EUR 10 million.

2) Parliament amended certain areas of cooperation and inserted new areas of cooperation where Community assistance will be used to support measures:

- promoting the rule of law and good governance, including strengthening the effectiveness of public administration and the impartiality and effectiveness of the judiciary, and supporting the fight against corruption and fraud;

- pursuing regional and local development efforts, in both rural and urban areas, in order to reduce imbalances and improve regional and local development capacity;

- health policies must include not only measures to combat the major communicable diseases and non-communicable diseases and disorders but also access to services and education for good health, including reproductive and infant health for girls and women ;

- supporting cooperation aimed at protecting historical and cultural heritage and promoting its development potential, including through tourism;

- promoting regional and sub-regional cooperation and integration, including where appropriate with countries not eligible for assistance under this Regulation ;

3) Where no agreements between the EU and partner countries exist, assistance may be provided when it proves useful to pursue EU policy objectives, and shall be programmed on the basis of such objectives.

4) Co-financing requirements may be waived in duly justified cases and when this is necessary to support the development of civil society and non-state actors for measures aimed at promoting human rights and fundamental freedoms and supporting democratisation.

5) Community assistance under the Regulation shall be implemented through :

- country, multi-country and crossborder strategy papers and multi-annual indicative programmes and

- joint operational programmes for crossborder cooperation, annual action programmes and special measures.

6) The Commission shall determine the allocation of funds to the cross-border cooperation programmes, taking into account objective criteria, such as the population of the eligible areas and other factors affecting the intensity of cooperation, including the specific characteristics of the border areas and the capacity for managing and absorbing assistance.

7) Joint operational programmes shall be established by the Member States and partner countries concerned at the appropriate territorial level, in accordance with their institutional system and taking into account the principle of partnership. They shall normally cover a period of 7 years running from 1 January 2007 to 31 December 2013.

8) Parliament clarified the conditions where a joint operational programme cannot be established owing to problems arising in relations between participating countries or between the EU and a partner country.

9) The management and control system of a joint operational programme shall provide for proper separation of the management, certification and audit functions

10) In order to allow the joint operational programmes to adequately prepare for implementation, following the adoption of the joint operational programme and before the signature of the financing agreement, the Commission may allow the joint managing authority to use part of the programme budget to start financing programme activities such as the incurring of operational costs of the managing authority, technical assistance and other preparatory actions.

11) Parliament broadened the categories of persons eligible for participation in the award of procurement or grant contracts financed under the Regulation.

12) The financial envelope for implementation of this Regulation over the period 2007-2013 is EUR 11 181 million broken down as follows:

- a minimum of 95 percent of the financial envelope will be allocated to the country and multi-country;

- up to 5 percent of the financial envelope will be allocated to the crossborder cooperation programmes.

13) The Commission shall submit by 31 December 2010 (rather than 2011) a report evaluating the implementation of the Regulation in the first three years with, if appropriate, a legislative proposal introducing the necessary modifications to the Instrument, including to the financial breakdown.

## European Neighbourhood and Partnership Instrument 2007-2013

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**PURPOSE:** the establishment of a 'European Neighbourhood and Partnership Instrument' (ENPI): 2007-2013.

**LEGISLATIVE ACT:** Regulation (EC) No 1638/2006 of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument.

**BACKGROUND:** EU Heads of State have frequently asserted that the expansion of the EU should not create new dividing lines in Europe and that expansion should be a tool to promote stability and prosperity within and beyond the new borders of the EU. Current EU neighbour partnership relations take place under the framework of Cooperation Agreements with eastern European countries, the southern Caucasus and the Mediterranean. These provide a regional framework for co-operation, which is complemented by a network of Association Agreements.

This Regulation has been adopted within the context of a revised approach towards the EU's external assistance programmes to third countries and the adoption of the new [financial perspectives, 2007 -2013](#). The purpose of the new framework is to make the Community's assistance more effective and streamlined. In a bid to boost efficiency a plethora of existing legislative acts have been repealed and replaced with more concise, focused legislation. The other recently approved Instruments are:

- [An Instrument for Pre-Accession](#)
- [The European Neighbourhood and Partnership Instrument](#)
- [An Instrument for development co-operation](#)
- [An Instrument for Stability](#)
- [An Instrument for the promotion of democracy and human rights world-wide](#)
- [An Instrument for co-operation with industrialised and other high income countries and territories](#)

**CONTENT:** this Regulation establishes a 'European Neighbourhood and Partnership Instrument', the purpose of which is to provide Community financial assistance for developing an area of prosperity and good neighbourliness. The countries benefiting from the partnership are listed in Annex to this Regulation and include countries from eastern Europe, the southern Caucasus and the Mediterranean. Community assistance will be used to promote cross-border and trans-regional co-operation. The Regulation specifies that the EU is founded on the values of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. The EU, therefore, and through this partnership instrument, will seek to promote these values in the partner countries. For the sake of improved efficiency and cohesion once this Regulation enters into force a series of financial instruments relating to the EU's neighbourhood policy will be repealed, including TACIS and MEDA. To realise its stated objectives, the ENPI has been awarded a EUR 11 181 000 000 budget to cover the period 2007-2013.

In summary, the main provisions of the Regulation are as follows:

**Scope:** The assistance provided will be used to help implement existing partnership and co-operation agreements. It will also be used to encourage partner countries' efforts to promote good governance and social development. Assistance could be used inter alia, for the following purposes: promoting political dialogue and reform; promoting standards; strengthening national institutions bodies responsible for implementing agreed policies; promoting the rule of law and good governance etc.

**Policy framework:** Existing partnership and cooperation agreements, the association agreements and future agreements with partner countries will continue to provide an overall policy framework for the purposes of the ENPI. Thus, jointly agreed action plans will form the reference point for setting Community assistance priorities. In cases where no agreement exists between the EU and a partner country then Community assistance may be provided.

**Complementarily, partnership and co-financing:** Community assistance under the ENPI should, as a general rule, complement corresponding national, regional or local policies; it should be established in partnership with the Commission and beneficiaries and it should be co-financed by the beneficiary countries through public funds. Co-financing may be waived in justified cases.

**Coherence, comparability and coordination:** Projects funded by the ENPI must be consistent with EU policies and they must cohere to other Community assistance programmes. The Member States and the Commission will be responsible for co-ordinating their respective assistance programmes in order to increase the effective distribution of funds.

**Types of programmes:** Community assistance will be implemented through: country, multi-country and cross-border programmes.

**Programming and allocation of funds:** For country or multi-country programmes, strategy papers will be adopted that reflect the policy framework of the ENPI. The Commission will be responsible for determining the allocations for each programme taking into account the specific characteristics and needs of the country or region concerned.

**Cross-border co-operation:** The cross-border cooperation programme may cover: all territorial units corresponding to NUTS level 3 or equivalent along the land borders between the Member States and partner countries; all territorial units corresponding to NUTS level 3 or equivalent along sea crossings of significant importance; and all coastal territorial units corresponding to NUTS level 2 or equivalent facing a sea basin common to Member States and partner countries. Cross-border programmes will be carried out via multi-annual programmes and joint operational programmes.

**Adoption of special measures:** In the event of unforeseen and duly justified circumstances, the Commission may adopt special measures not provided for in the strategy papers or multi-annual indicative programmes. For example, special measures may be used to fund the transition from emergency aid to long-term development.

**Eligibility:** The Regulation lists all those who are eligible for funding under the ENPI. They include, for example, partner countries, regions and their institutions; decentralised bodies; joint bodies set up by the partner countries; international organisation, EU agencies; NGOs; natural persons and local citizens' groups.

Types of measures: The measures funded may include, for example, financing investment-related activities, contributions to the EIB or other financial intermediaries; debt relief programmes in exception cases; insurance against non-commercial risks, micro projects and food security measures.

Final Provisions: The Commission will prepare annual reports on the ENPI and it will submit a review of the programme by the 31 December 2010.

ENTRY INTO FORCE: 29 November 2006.

APPLY: 1 January 2007 ? 31 December 2013.

REPEALED: Regulation (EEC) No 1762/92; Regulation (EC) No 1734/94 and Regulation (EC) No 1488/96.