Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2006/0116(COD)	Procedure completed
Development cooperation: European Instrument for Democracy and Human Rights 2007-2013 Amended by 2009/0060B(COD) Subject 6.10.08 Fundamental freedoms, human rights, democracy in general 6.30 Development cooperation		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	AFET Foreign Affairs		21/06/2006
		PPE-DE MCMILLAN-SCOTT Edward	21/06/2006
		Verts/ALE FLAUTRE Hélène	
	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development (Associated committee)		10/07/2006
		NI BATTILOCCHIO Alessandro	
	BUDG Budgets		26/09/2006
		PPE-DE MAAT Albert Jan	
	FEMM Women's Rights and Gender Equality		11/07/2006
		PSE RIERA MADURELL Teresa	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2774	19/12/2006
European Commission	Commission DG	Commissioner	
	External Relations	FERRERO-WALDNER Benita	

Key events

26/06/2006	Legislative proposal published	COM(2006)0354	Summary
06/07/2006	Committee referral announced in Parliament, 1st reading		
07/09/2006	Referral to associated committees announced in Parliament		

10/10/2006	Vote in committee, 1st reading		Summary
25/10/2006	Committee report tabled for plenary, 1st reading	A6-0376/2006	
29/11/2006	Debate in Parliament		
12/12/2006	Results of vote in Parliament		
12/12/2006	Decision by Parliament, 1st reading	T6-0548/2006	Summary
19/12/2006	Act adopted by Council after Parliament's 1st reading		
20/12/2006	Final act signed		
20/12/2006	End of procedure in Parliament		
29/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2006/0116(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2009/0060B(COD)
Legal basis	EC Treaty (after Amsterdam) EC 181A-p2; EC Treaty (after Amsterdam) EC 179-p1
Stage reached in procedure	Procedure completed
Committee dossier	AFET/6/38460

Documentation gateway

Legislative proposal		COM(2006)0354	26/06/2006	EC	Summary
Committee draft report		PE376.436	04/07/2006	EP	
Amendments tabled in committee		PE378.500	21/09/2006	EP	
Committee opinion	DEVE	PE376.442	03/10/2006	EP	
Committee opinion	FEMM	PE376.785	05/10/2006	EP	
Committee opinion	BUDG	PE378.690	10/10/2006	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0376/2006	25/10/2006	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0548/2006	12/12/2006	EP	Summary
Draft final act		03688/1/2006	20/12/2006	CSL	
Commission response to text adopted in plenary		SP(2007)0303	24/01/2007	EC	
Follow-up document		C(2011)8630	29/11/2011	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

Regulation 2006/1889
OJ L 386 29.12.2006, p. 0001 Summary

Development cooperation: European Instrument for Democracy and Human Rights 2007-2013

PURPOSE : to propose a new financing instrument to promote democracy and human rights worldwide which will replace the present external assistance scheme (European Initiative for Democracy and Human Rights (EIDHR) which will expire at the end of 2006.

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

LEGAL BACKGROUND: the objective of the proposal for a new financing instrument for the promotion of democracy and human rights is to provide a legal basis for the successor programme to the European Initiative for Democracy and Human Rights (EIDHR), which is based on two regulations that expire end 2006. The proposed instrument is based both on Article 179 (1) TEC , which covers measures in the field of development cooperation with developing countries, and on Article 181a (2) TEC , which covers measures in the field of economic, financial and technical cooperation with third countries other than developing countries. This legal basis secures a global outreach of the instrument.

To recall, in September 2004, the Commission tabled a proposal for a Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation and economic cooperation.

After trilateral consultations between the Commission, the European Parliament and the Council, it was decided to split that proposal into three separate texts:

i) the present proposal for a Regulation establishing a financing instrument for the promotion of democracy and human rights world wide;

ii) a Regulation establishing a financing instrument for development cooperation based on Article 179 TEC (COD/2004/0220);

iii) a Regulation establishing a financing instrument for cooperation with industrialised and other high-income countries and territories based on Article 181 a TEC (CNS/2006/0807).

The financial reference provided by the 2004 cooperation instrument shall be broken down to take account of this division. Moreover, in order to enable a common approach to the Community's operations in this field, it is envisaged that the separate draft Regulations will as far as possible contain identical provisions, and be adopted simultaneously.

CONTENT: the objective of the proposal for a new financing instrument for the promotion of democracy and human rights is to provide a legal basis for the successor programme to the European Initiative for Democracy and Human Rights (EIDHR), which is based on two regulations that expire end 2006.

The new instrument, like EIDHR, will have the specific mission to assist in meeting EU policy objectives regarding the promotion of human rights and democracy in external relations, as indicated in Treaty mandates and articulated in Commission communications, European Parliament resolutions and Council conclusions over the years. These objectives are of a global nature, reflected in EU Guidelines on Human Rights issues and echoed in different ways in the Stabilisation and Association process, the European Neighbourhood policy, and in the European Consensus on Development, as well as in new regional initiatives such the EU Strategy for Africa and EU strategic partnership with Latin America and the EU policy towards Asia. The main policy framework for the EIDHR has been set by the 2000 and 2001 Commission communications.

General principles

The new instrument, will, like EIDHR, be designed to complement the various other tools for implementation of EU policies on democracy and human rights, which range from political dialogue and diplomatic demarches to various instruments of financial and technical cooperation, including both geographic and thematic programmes. It will also complement the more crisis-related interventions of the new Stability instrument. Whilst democracy and human rights objectives are increasingly ?mainstreamed? in these various instruments, the new financing instrument will have a specific complementary role by virtue of its global nature and its independence of action. As with EIDHR, this makes possible cooperation with civil society on sensitive human rights and democracy issues, providing the flexibility to respond to changing circumstances or to support innovation, contrasting with the long term programming approach of the geographic programmes. It also provides an EC capacity to articulate and support specific objectives and measures at international level, which are neither geographically linked nor crisis related, which may require a transnational approach or involve operations both within the EU and in a range of partner countries. It provides the necessary framework for operations such as EU election observation requiring policy coherence, a unified management system and common operating standards.

Scope and objectives

The objectives are fourfold:

1. to enhance respect for human rights and fundamental freedoms where they are most at risk and providing support and solidarity to victims of repression and abuse;
2. to strengthen the role of civil society in promoting human rights and democratic reform, developing political participation and representation, and supporting conflict prevention;
3. to support the international framework for the protection of human rights, the rule of law and the promotion of democracy;

4. to build confidence in democratic electoral processes through further development of electoral observation and assistance.

General principles for the implementation of the Regulation

The proposal lays down general principles for the implementation of the Regulation, namely that

§ assistance under the European Instrument for Democracy and Human Rights shall complement assistance provided for under other financing instruments referred to in the provision,

§ assistant is consistent with the relevant EU policies in the field,

§ coordination is ensured with respective assistance programmes of Member States,

§ exchanges of information are sought with the European Parliament and civil society.

General procedural framework for implementation

Community assistance under this Regulation shall be implemented through the following measures:

a) Strategy Papers and revisions thereof as appropriate: these shall set out the Community's strategy for Community assistance under this Regulation, the Community's priorities, the international situation and the activities of the main partners. They shall set out the priority areas selected for financing by the Community, the specific objectives, the expected results and the performance indicators. They shall also give the indicative financial allocation, both overall and per priority area; this may be given in the form of a range, where appropriate. They shall be reviewed at mid-term, or ad hoc if necessary.

b) Annual Action Programmes: the Commission shall these based on the Strategy Papers and revisions referred to above. They shall specify the objectives pursued, the fields of intervention, the expected results, the management procedures and the total amount of financing planned. They shall contain a description of the operations to be financed, an indication of the amounts allocated for each operation and an indicative implementation timetable.

c) Special Measures: in the event of unforeseen needs or exceptional circumstances, the Commission may adopt Special Measures not covered in Strategy Papers. These measures shall specify the objectives pursued, the areas of activity, the expected results and the total amount of financing planned. They shall contain a description of the operations to be financed, an indication of the amounts allocated

for each operation and an indicative implementation timetable.

In addition, the proposal allows the Community to finance with operational and administrative expenditure credits Support Measures necessary for the implementation of the Regulation and for achieving its objectives. Where Support Measures are financed outside the scope of Strategy Papers, they shall be adopted in the same manner as Special Measures.

The draft Regulation also lays additional provisions. In particular, it:

§ allows the Community to finance with operational and administrative expenditure credits Support Measures necessary for the implementation of the Regulation and for achieving its objectives. Where Support Measures are financed outside the scope of Strategy Papers, they shall be adopted in the same manner as Special Measures;

§ lists the entities, bodies and institutions eligible for receiving grants under this Regulation. In line with current practice and the respective provisions in other external assistance instruments;

§ allows the Commission to manage the measures financed under this Regulation using management methods provided for in the Financial Regulation (centralised management or joint management with international organisations). It establishes the criteria for delegating budget implementation tasks to national public-sector bodies or bodies governed by private law with a public-service mission;

§ lists the forms of budget commitments and types of financing on the basis of Commission decisions on Strategy Papers, Annual Action Programmes, Special Measures and Support Measures. It identifies the European Inter-University Centre for Human Rights and Democratisation (EIUC) as a potential recipient of grants under this Regulation for securing the continuation of the European Master?s Degree Programme in Human Rights and Democratisation and the EU-UN Fellowship Programme. The legal basis for the present financing of the European Inter-University Centre expires by end 2006. It also opens up the possibility of cofinancing with Member States, other donor countries, international and regional organisations, and other entities;

§ sets out the rules for participation in the award of grants and public contracts financed under this Regulation. It allows in particular natural and legal persons of third countries which open their own grant procedures and public procurement to EU Member States to take part in grant award and procurement procedures under this Regulation. The provisions comply with the abrogated Regulations on access to Community external assistance;

§ it binds the Commission to monitor and review, and regularly to evaluate the effectiveness of its programming under this Regulation. Member States and the European Parliament shall receive the respective reports for their information and discussion.

Financial provisions and entry into force: the draft Regulation sets out the total reference amount of EUR 1,103.72 million from 2007-2013. It shall apply from 1 January 2007 as it is imperative to ensure continuity of the legal basis for complementary external assistance in the field of promoting democracy.

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

Development cooperation: European Instrument for Democracy and Human Rights 2007-2013

The committee adopted the report by its co-rapporteurs, Hélène FLAUTRE (Greens/EFA, FR) and Edward McMILLAN-SCOTT (EPP-ED, UK), amending - under the 1st reading of the codecision procedure - the proposed regulation on establishing a financing instrument for the promotion of democracy and human rights worldwide (European Instrument for Democracy and Human Rights). The main amendments were as follows:

- the Instrument should enable the Community to provide assistance within the framework of not only its development cooperation policy and economic, financial and technical cooperation with non-EU countries, but also its common foreign and security policy (CFSP);

- the objectives as set out in Article 1 should specifically include helping to ensure respect for "civil, political, economic, social and cultural rights.....which constitute the fundamental values on which European Union external action is based". Particular support should be given to "non-profit, non-state actors as defined in Article 9" and to "human rights defenders as defined in the EU guidelines on human rights defenders". The regional framework, as well as the international framework, should also receive support;

- the concept of complementarity of the regulation with other related instruments of Community assistance, as set out in Article 3, should be reformulated to make it clear that one of the specific features of the European Instrument for Democracy and Human Rights is that the assistance provided "does not require the prior consent of the authorities of the host countries and that it is mainly channelled via non-governmental, non-profit human rights and democracy-promotion organisations";

- to ensure greater flexibility for dealing with difficult situations, the committee introduced a new Article 8a providing for "ad hoc measures", i.e. grants allocated on an ad hoc basis to help (a) support the functioning of independent civil society organisations facing difficulties, particularly in obtaining legal registration in their country, and (b) respond to the "urgent protection needs" of human rights defenders, including democracy activists, facing an imminent danger related to their activities in the field of democracy and human rights;

- as far as the budget for the regulation was concerned, the committee wanted "at least 66%" of funding for the implementation of the regulation to be earmarked for actions by non-profit, non-state actors. It also specified other expenditure totals: no more than 15% of the total implementation budget for electoral observation missions; a maximum of 8% for Article 7 (Special Measures), a maximum of 8% for new Article 8a (Ad hoc measures) and a maximum of 5% for Article 8 (Support measures);

- a series of amendments were designed to flesh out the various categories of action for which support would be provided through civil society, i.e. actions in support of women's rights should specifically include measures to combat female genital mutilation, early and forced marriages, honour-related crimes, domestic abuse, etc., while support for the rights of children should involve combating child labour, trafficking and prostitution, and the recruitment and use of child soldiers. The committee also added new categories, e.g. "the promotion and defence of freedom of expression, including artistic and cultural expression, and the fight against censorship";

- various amendments sought to enhance the role of the European Parliament, i.e. by proposing a procedure for a "structured dialogue" with the Commission, under which Parliament would be consulted at an early stage of the strategic programming process, would be kept fully informed and would be associated in the review process. The committee also extended the number of cases where Parliament would have to be informed of decisions on Special Measures (measures, not covered in Strategy Papers, which are taken under the management procedure in response to unforeseen needs or exceptional circumstances);

- lastly, the committee proposed that the review of the first three years of implementation of the regulation be presented by 30 April 2009 rather than 31 December 2010 as proposed by the Commission.

Development cooperation: European Instrument for Democracy and Human Rights 2007-2013

The European Parliament adopted a resolution drafted by its co-rapporteurs, Hélène FLAUTRE (Greens/EFA, FR) and Edward McMILLAN-SCOTT (EPP-ED, UK), amending the proposed regulation on establishing a financing instrument for the promotion of democracy and human rights worldwide (European Instrument for Democracy and Human Rights).

Parliament has adjusted the instrument?s objectives and scope, as well as made it faster and more efficient in responding to urgent developments. Parliament made it clear that the regulation establishes a financing instrument allowing for assistance independent from the consent of third country governments and other public authorities. The objectives have been refocused in order to allow support for non-state players promoting democracy and human rights. Parliament has insisted on new measures to allow the EU to respond quickly and effectively to emergency situations which often face human rights defenders. It introduced ad-hoc measures to allow funding to protect and support human rights defenders in urgent cases without going through a tendering process. Accordingly, a new clause states that the Commission may allocate small grants on an ad hoc basis to human rights defenders responding to urgent protection needs. The Commission shall regularly inform the European Parliament and the Member States of the ad hoc measures carried out.

In parallel, changes to the Financial Regulation, aimed at allowing funding of unregistered organisations, should allow more flexibility in the operation of the mechanism better to support independent players active in defending freedom in third countries. This should overcome some of the weaknesses in the existing system for which the Commission has been criticised in the past. In addition:

- Community assistance under the Regulation must be consistent with the framework of the Community's policy on development cooperation and with the European Union's foreign policy as a whole.

- Developing and consolidating democracy under the Regulation should include democratic parliaments and their capacity to support and advance democratic reform processes. National parliaments need therefore to be included as eligible bodies for funding when this is necessary in order to achieve the objectives, unless the proposed measure can be financed under a related Community external assistance instrument.

- A new recital states that EU Election Observation Missions contribute significantly and successfully to democratic processes in third countries. However, the promotion of democracy extends far beyond the electoral process alone. Expenditure for EU Election Observation Missions should therefore not take up a disproportionate amount of the total funding available under the Regulation.

Promoting the equal participation of men and women in social, economic and political life, and supporting equality of opportunity, and the participation and political representation of women is emphasised in the text ;

- The Commission must inform and have regular exchanges of views with the European Parliament, and it must seek regular exchanges of information with civil society, at all levels, including in third countries.

- Where the cost of special measures is equal to or exceeds EUR 3 000 000, the Commission shall adopt them in accordance with the procedure laid down in Article 17(2). The amendment lowers the threshold (from EUR 5 million) for when decisions on Special Measures are subject to the Management procedure. For Special Measures costing below EUR 3 000 000, the Commission shall send the measures to the European Parliament and the Member States for information within 10 working days of adopting its decision.

- Community assistance shall not be used for paying taxes, duties or charges in beneficiary countries.

- the Commission must submit an evaluation report Not later than 31 December 2010.

It is hoped that the legislation will be adopted at the first reading stage, and that the instrument will enter into force by the end of the year, thereby preventing a break in EU funding for human rights and democracy, notably the inclusion of electoral observation missions.

Development cooperation: European Instrument for Democracy and Human Rights 2007-2013

PURPOSE: to establish a European Instrument for the promotion of democracy and human rights, providing assistance that contributes to the development and consolidation of democracy and the rule of law, and of respect for human rights and fundamental freedoms worldwide.

LEGISLATIVE ACT: Regulation (EC) No 1889/2006 of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide.

BACKGROUND: following the adoption of the new financial framework 2007-2013, a series of new instruments for economic, financial and technical assistance for third countries were adopted, consolidating, reforming and improving the procedures governing access to and planning of assistance granted under the Community?s external policy.

The different funding instruments of the external policy are now as follows:

- an Instrument for Development Cooperation (DCI);
- a European Neighbourhood and Partnership Instrument (ENPI);
- an Instrument for Stability to combat serious crises in third countries;
- an Instrument for Nuclear Safety Co-operation, complementary to the Instrument for Stability;
- an Instrument for Pre-Accession Assistance (IPA);
- an Instrument for co-operation with industrialised and other high income countries and territories;
- this Instrument for the promotion of democracy and human rights world-wide.

This instrument forms part of the new structure, streamlining into one single instrument the former ?European Initiative for Democracy and Human Rights? (EIDHR), which was based on two parallel and complementary Regulations (Regulations 975/1999/EC and 976/1999/EC of the Council, amended on various occasions).

It is worth noting, once again, that this instrument, of which the European Parliament voted overwhelmingly in favour, responds to the desire for legal clarification and greater visibility of actions financed in this area (the original text focused on actions eligible under the DCI or Instrument for Development Cooperation).

CONTENT: this Instrument, with a budget of EUR 1.104 million for the period 2007-2013, aims to provide assistance to contribute to the development and consolidation of democracy and the rule of law, and of respect for human rights and fundamental freedoms.

Scope of assistance: overall, this Instrument shall provide assistance in the area of cooperation aimed at:

- enhancing the respect for and observance of human rights and fundamental freedoms, promoting and consolidating democracy and democratic reform in third countries, providing support and solidarity to human rights defenders and victims of repression and abuse, and strengthening civil society active in the field of human rights and democracy promotion;

- supporting and strengthening the international and regional framework in this area;

- building confidence in and enhancing the reliability of electoral processes, in particular through election observation missions, and through support for local civil society organisations involved in these processes.

In order to reach these objectives, Community assistance shall support the following actions:

- the promotion of participatory and representative democracy and the processes of democratisation, mainly through civil society organisations (including: promoting freedom of association and assembly, of opinion and expression; strengthening the rule of law and promoting the independence of the judiciary; promoting political pluralism and democratic political representation; promoting the equal participation of men and women in social, economic and political life);
- the promotion and protection of human rights and fundamental freedoms, as proclaimed in the Universal Declaration of Human rights and other international and regional instruments (such as actions aimed at the abolition of the death penalty, the prevention of torture, ill-treatment and other cruel, inhuman and degrading treatment or punishment, and the rehabilitation of victims of torture in the countries concerned).

Through the implementation of this Instrument, the promotion and protection of gender equality, the rights of the child, rights of indigenous peoples, rights of persons with disabilities, and principles such as empowerment, participation, non-discrimination of vulnerable groups and accountability shall be taken into account, where possible.

Beneficiaries: the Instrument concerns all third countries.

Complementarity and Coherence of Community Assistance: assistance shall be consistent with the Community's policy on development cooperation and economic, financial and technical cooperation with third countries, and with the European Union's foreign policy as a whole; it shall be complementary to assistance provided for under related Community instruments for external assistance and the Cotonou Agreement (in particular, measures financed under the EDF in the ACP countries); the assistance shall also be consistent with Member States? measures in the countries concerned. In the implementation of this assistance, the Commission shall inform and have regular exchanges of views with the European Parliament on measures envisaged.

Programming and allocation of funds: programmes implemented on the ground respond to a specific programming process. The Regulation specifies the conditions of adoption of financing decisions by the Commission for each type of action proposed, whether in the framework of strategy papers, annual action programmes, special measures or ad hoc measures:

- for strategy papers (and their revisions), the Commission shall establish the framework for providing assistance to a partner country, bearing in mind the international situation. These papers reflect the priority measures for the country or countries concerned and establishes the financial envelope for each programme with performance indicators;
- for annual action programmes, the Commission shall establish the framework for cooperation based on the main areas defined in the strategy papers. These annual programmes specify the objectives pursued, the fields of intervention, the expected results, the management procedures and the total amount of financing planned;
- for special measures, the Commission shall adopt a specific framework of measures to meet unforeseen and duly justified needs that arise under exceptional circumstances. The cost of special measures may not, in principle, exceed EUR 3 million;
- for ad hoc measures, the Commission may allocate small grants to human rights defenders responding to urgent protection needs. The Commission shall regularly inform the European Parliament and the Member States of the ad hoc measures carried out.

Implementing measures: the Regulation provides a general framework for the implementation of measures and projects as well as technical procedures for the management of measures. It lists, in particular:

- eligible bodies: civil society organisations, NGOs, independent political foundations, national, regional and international parliamentary bodies, inter-governmental organisations and natural persons (where necessary);
- types of financing: assistance may take the form of programmes and projects, grants (small or large, depending on the case), small grants to bodies specifically named in the Regulation (e.g. OHCHR), public contracts, contributions to international funds, etc.;
- support measures: assistance may be used to cover the costs of actions linked to the preparation, follow-up, control, audit and evaluation of implementing measures;
- the rules applied to cofinancing from other donors (including Member States);
- technical rules on budget commitments;
- anti-fraud and procurement measures (in accordance with the untying of aid policy);
- management procedures that the Commission must use to implement the measures decided upon: the Commission is responsible for the implementation of the Regulation, based on comitology measures laid down in the Regulation. Community financing may take the form of procurement contracts, grant agreements, employment contracts (e.g. to contribute to the financing of election monitoring missions). Each year the Commission shall send to the European Parliament and the Council a report on the implementation of Community assistance, containing information on the actions financed during the year;
- regular evaluation of assistance: the Commission shall monitor and evaluate the implementation of assistance programmes. The Commission shall submit, by 31 December 2010, a report evaluating the implementation of this Regulation in the first three years, if appropriate with a legislative proposal introducing the necessary modifications.

ENTRY INTO FORCE: the Regulation shall enter into force on 30.12.2006. It shall apply from 1 January 2007 to 31 December 2013.