



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 14 December 2012**

**17852/12**

---

**Interinstitutional File:  
2011/0404 (COD)  
2011/0405 (COD)**

---

**CADREFIN 525  
DEVGEN 346  
ACP 251  
RELEX 1169  
COMAG 135  
COHOM 281  
COEST 441  
COWEB 213  
ELARG 141  
CODEC 3068  
FIN 1064**

**COVER NOTE**

---

from: The European Economic and Social Committee  
to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union

---

Subject: OPINION of the European Economic and Social Committee on the Proposals for Regulations of the European Parliament and of the Council on the Instrument for Pre-accession Assistance (IPA II) and for establishing a European Neighbourhood Instrument  
COM(2011) 838 final and COM(2011) 839 final

---

Delegations will find attached the Opinion of the European Economic and Social Committee on the above Commission proposal.

Encl.: REX/373



*European Economic and Social Committee*

**REX/373**  
**Instrument for Pre-accession**  
**Assistance/European**  
**Neighbourhood Instrument**

Brussels, 15 November 2012

**OPINION**

of the

European Economic and Social Committee

on the

**Proposals for Regulations of the European Parliament and of the Council on the Instrument for Pre-accession Assistance (IPA II) and for establishing a European Neighbourhood Instrument**

COM(2011) 838 final and COM(2011) 839 final

---

Rapporteur-General: **Mr Sibian**

---

On 25 July 2012, the Council decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

*Proposals for Regulations of the European Parliament and of the Council on the Instrument for Pre-accession Assistance (IPA II) and for establishing a European Neighbourhood Instrument*

COM(2011) 838 final and COM(2011) 839 final.

On 17 September 2012, the Committee Bureau instructed the External Relations Section to prepare the Committee's work on the subject.

Given the urgent nature of the work (Rule 59 of the Rules of Procedure), the European Economic and Social Committee appointed Mr Sibian as rapporteur-general at its 484th plenary session, held on 14 and 15 November 2012 (meeting of 14 November 2012), and adopted the following opinion by 142 votes to 2 with 2 abstentions.

\*

\* \*

## 1. **Conclusions and recommendations on the IPA II draft regulation**

- 1.1 The EESC welcomes the new approach taken under IPA II draft regulation which, compared with the previous instrument, offers greater flexibility and provides for equal treatment among beneficiary countries, in that it makes no distinction in the type of support available for candidate and potential candidate countries.
- 1.2 The EESC supports the new strategy proposed under the IPA II draft regulation that will allow for a tailored support to each beneficiary country. Comprehensive multiannual strategy papers will be adopted on a country-by-country basis according to the specific needs and agendas of each of them as they prepare to join the EU.
- 1.3 The EESC considers that the revision of the strategy papers at mid-term might be too late and proposes that mid-term be seen as the latest possible timeframe for revision. It is important to focus on achieving the objectives, so flexibility is a must. The EESC recommends that, prior to mid-term reviews, annual revision be undertaken in order to increase the efficiency of support. The annual progress reports of the European Commission could serve as a solid basis for revising and adapting the programming according to the needs of the countries concerned.
- 1.4 The EESC welcomes the objective of the new draft regulation to simplify and reduce the administrative burden involved in managing the financial assistance. However, the EESC has reservations about the sector-based approach to the allocation of assistance. This mechanism

should be used judiciously, according to the specific circumstances of each beneficiary country, bearing in mind that pre-accession assistance is designed to help candidate countries and potential candidates prepare for future membership. IPA gives countries a "test run" of the obligations of membership before accession, including how to manage the structural, cohesion, agricultural and rural development funds. Therefore, any sector-based approach should be used only when appropriate rules and procedures are in place (e.g. in relation to procurement rules, conflicts of interest etc.) and when the state budget expenditure plan is broad enough and is not drawn up merely on a yearly basis. Usually, the sector-based approach is related to sectors such as health, education etc., while IPA assistance also focuses on sectors such as anti-corruption, and capacity building for public administration, which are less likely to comply with this approach because there are many recipient bodies, rather than just one institution.

- 1.5 The EESC welcomes the emphasis the new draft regulation places on increased coordination and cooperation with other donors and international and other financial institutions at strategic level.
- 1.6 The EESC also welcomes the flexibility provided for under the new instrument, which allows allocations to be transferred from one policy area to another, and makes it possible to carry over funds from one year to another<sup>1</sup>.
- 1.7 The EESC stresses the need to support and develop local ownership in the programming and implementation of IPA II. To this end, appropriate mechanisms must be put in place to involve national authorities, social partners and civil society and to strengthen their capacity. Their involvement should be encouraged at all stages of assistance: design and preparation, implementation, monitoring and evaluation. The assistance to be provided to civil society should also be channelled through local intermediary support organisations and national resource centres.
- 1.8 The enlargement process requires the harmonisation of labour and social laws in the Western Balkans with the EU social *acquis*. IPA II therefore will become a catalyser for promoting social inclusion, social cohesion, decent work and quality employment in the region.

## 2. **IPA II draft regulation: main elements**

- 2.1 The draft regulation on the Instrument for Pre-accession Assistance (IPA II) establishes the legislative framework for the new financial instrument (IPA II), replacing the current one that will expire on 31 December 2013.
- 2.2 The new pre-accession instrument focuses on delivering on enlargement policy, helping promote stability, security and prosperity in Europe. The new instrument supports the

---

<sup>1</sup> Where allowed under the new Financial Regulation.

candidate countries<sup>2</sup> and potential candidates<sup>3</sup> to EU accession as they prepare to join the EU.

- 2.3 As the socio-economic development of these countries (with only one exception, Iceland) is low and given also that they need to be prepared to face the global challenges and to adapt to EU efforts to address them, it is evident that substantial and result-oriented investments are necessary to bring these countries closer to the EU standards. The IPA II draft regulation offers technical and financial assistance to these states as they cannot by themselves sustain all the necessary efforts and costs of meeting the criteria for joining the EU.
- 2.4 The financial reference provided for under the draft regulation on IPA II for the period 2014 to 2020 will be approximately EUR 14 billion.
- 2.5 The new instrument is designed to allow more flexibility and to simplify and reduce the administrative burden involved in managing financial assistance.
- 2.6 Simplification will involve reorganising the component structure of the IPA assistance now in place, thus making it possible to simplify the legislative framework and provide undifferentiated access to assistance under each policy area to each state (be it candidate or potential candidate country). Out of the five components of the previous version of IPA instrument, only two (*Support for transition and institution-building* and *Cross-border cooperation*) were previously open to potential candidate countries, while the other three were available to candidate countries only (*Regional development, Human resources development* and *Rural development*).

### 3. **Specific comments on IPA II draft regulation**

- 3.1 Along with support for the promotion and protection of human rights and fundamental freedoms, enhanced respect for minority rights, promotion of gender equality, non-discrimination, freedom of the press, and the promotion of good neighbourly relations, the EESC strongly recommends that Article 2(1)(a)(ii) should include the promotion of social rights and the protection of vulnerable groups in order to highlight the importance that the beneficiary countries should place on these rights and thus to ensure the requisite balance between social inclusion and the development of democracy and civil society.
- 3.2 Accordingly, the proposed indicators mentioned under Article 2(2) should be adapted to take proper account of these amendments. One indicator should therefore be the level of development of civil society and the capacity of the social partners and other civil society organisations. Another indicator that should be included in the draft regulation is respect for the rights of the persons belonging to vulnerable groups.

---

<sup>2</sup> Croatia, the former Yugoslav Republic of Macedonia, Iceland, Montenegro, Serbia and Turkey.

<sup>3</sup> Albania, Bosnia and Herzegovina, and Kosovo.

- 3.3 IPA support should help combat social exclusion and widening disparities within society and should support the access of socially excluded groups and regions to the funds. Therefore, the EESC considers that, in addition to the indicator set out under Art. 2(2) subparagraph 1, second indent, another indicator related to social justice of social and economic development strategies should be included.
- 3.4 The EESC considers that all indicators should be result-oriented and should be both qualitative and quantitative.
- 3.5 The EESC also considers that improving social dialogue and supporting the development of social partners' capacity are key objectives that should be given more emphasis in the draft regulation. Simply mentioning the development of civil society and social dialogue is not considered sufficiently strong and compelling in this respect.
- 3.6 In most of the beneficiary countries, the social partners are underdeveloped or are facing tremendous challenges in fulfilling their role, especially in the midst of such a harsh economic crisis. Business associations should also be supported. The EESC would thus highly recommend a more strategic investment in supporting the development of these.
- 3.7 The EESC takes note of the importance given in the draft regulation to the issue of donor coordination in order to increase effectiveness and efficiency in the delivery of assistance and to prevent double funding. However, the EESC would like to see more specific measures that could be adopted to ensure that donor coordination is conducted in an efficient manner at both country and EU level.
4. **Conclusions and recommendations on the draft regulation establishing a European Neighbourhood Instrument (ENI)**
- 4.1 The EESC welcomes this draft regulation and especially the "more for more" approach, which encourages the countries covered by the Instrument<sup>4</sup> to demonstrate sustainable progress towards democracy and respect for human rights and international law.
- 4.2 The EESC welcomes the proposal that gender equality and anti-discrimination should be cross-cutting objectives in all actions carried out under the proposed regulation.
- 4.3 The EESC recommends that the European Commission include the Civil Society Facility for the countries covered by the European Neighbourhood Policy and the Endowment for Democracy in the draft regulation.

---

<sup>4</sup> Euromed Region and Eastern Neighbours.

- 4.4 The EESC believes that the goal of partnership with societies reflected in this instrument should be translated into the involvement of civil society organisations, including the social partners and regional and local authorities, at all stages of the assistance cycle. The "Arab Spring" has shown how important it is to support civic movements in the EU's neighbourhood.
- 4.5 The ENI should become a flexible instrument to enhance the capacity of civil society organisations, to enable them to scrutinise public policies and play a substantial role in democratisation processes.
- 4.6 The EESC recommends that platforms for dialogue between civil society and government in the EU's neighbouring countries be set up, and is willing to assist the European Commission and the European External Action Service in achieving this goal.
- 4.7 The EESC recommends that EU Delegations carry out a comprehensive mapping of CSOs in the region, which could help all EU institutions to cement relations with an emerging civil society sector.
- 4.8 The EESC recommends that the ENI regulation also focus more on building the capacity of institutions in the partner countries responsible for providing assistance, to ensure a good take-up level and a high degree of transparency in the use of the funds.
- 4.9 The EESC considers that the ENI should boost cooperation in the area of higher education, especially through youth and student exchanges between the Union and its neighbours. The instrument should provide opportunities to build networks enhancing the capacity of NGOs in the field of youth in the EU's neighbouring countries.
- 4.10 The EESC recommends that through this instrument, the Commission also promote a sustainable industrial policy, corporate social responsibility, environmentally responsible business and policies that support SMEs, tackle labour market issues and improve social policies.

## 5. **ENI draft regulation: the main elements**

- 5.1 The European Neighbourhood Policy (ENP) aims to establish an area of prosperity and good neighbourhood at the EU's borders.
- 5.2 For the period 2014 to 2020, the European Neighbourhood Policy (ENP)'s goals will continue to be supported by the EU through a dedicated financial tool - the European Neighbourhood Instrument (ENI) - which will replace the European Neighbourhood and Partnership Instrument (ENPI) established in 2006.

- 5.3 The ENI will provide greater support to partners committed to building democratic societies and undertaking reforms, in line with the principles of "more for more" and "mutual accountability".
- 5.4 The ENI draft regulation includes provisions to simplify the instrument in a number of aspects, striking a balance between flexibility and the focus on policy goals and key areas of cooperation.
- 5.5 The ENI draft regulation promotes complementarity, coherence and mainstreaming priority policy areas, in accordance with the EU 2020 strategy, while remaining focussed on the main ENP objectives.
- 5.6 The financial reference amount for the implementation of the Regulation on ENI for the period 2014 to 2020 will be approximately EUR 18 billion.

## 6. **Specific comments on the ENI draft regulation**

- 6.1 The EU's external action under this instrument aims to have an impact reflected in tangible changes in the partner countries. That impact should, whenever possible, be monitored through an adequate mechanism and assessed on the basis of pre-defined country-specific, clear, transparent and measurable indicators: concrete, measurable and implementable benchmarks against which a country can be assessed according to whether it upholds the democratic values that the EU wishes to promote through the ENI.
- 6.2 In order to improve implementation of the "more for more" principle, an appropriate part of the overall budget allocation under this instrument might be set aside in the form of incentives to provide enhanced support to partner countries demonstrating progress in building or consolidating a deep and sustainable democracy. This principle should furthermore be implemented in a way that also takes account of vulnerable groups in these countries and should not lead to cuts in development assistance to individual countries but rather to a redistribution of the assistance from government to civil society.
- 6.3 The EU delegations should also be given a greater role in cooperation with other international donors. The documents referred to in Article 7(1) and (2) should include detailed and up-to-date donor matrices and should describe the steps to be taken to enhance donor coordination, in particular between the EU and its Member States.
- 6.4 According to the draft regulation, in relations with its partners across the world, the European Union is committed to promote decent work and the ratification and effective implementation of internationally recognised labour standards. The eradication of child labour and the importance of multilateral environmental agreements should be also highlighted.



- 6.5 The draft regulation should be more explicit in terms of strengthening domestic accountability and establishing an institutionalised consultation and monitoring mechanism with civil society organisations, environmental and social partners and other non-state actors.

Brussels, 14 November 2012

The President  
of the  
European Economic and Social Committee

Staffan Nilsson

---