



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 April 2011**

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**COVER NOTE**

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from: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 4 April 2011

to: Mr Pierre de BOISSIEU, Secretary-General of the Council of the European  
Union

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Subject: OPINION OF THE COMMISSION pursuant to Article 294(7)(c) of the Treaty  
on the Functioning of the European Union, on the European Parliament's  
amendments to the Council's position regarding the proposal for a  
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL amending Regulation (EC) No 1905/2006 establishing a financing  
instrument for development cooperation

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Delegations will find attached Commission document COM(2011) 179 final.

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Encl.: COM(2011) 179 final



EUROPEAN COMMISSION

Brussels, 1.4.2011  
COM(2011) 179 final

2010/0059 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 294(7)(c) of the Treaty on the Functioning of the European Union,  
on the European Parliament's amendments  
to the Council's position regarding the  
proposal for a**

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development cooperation**

**1. INTRODUCTION**

Article 294(7) (c) of the Treaty on the Functioning of the European Union provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the seven amendments proposed by the Parliament.

**2. BACKGROUND**

Date on which the proposal was sent to Parliament and Council: 17 March 2010

Document COM(2010) 102 final – 2010/0059 COD

Date of Parliament's opinion at first reading: 21 October 2010

Date on which the amended proposal was sent to Parliament and Council: none

Date of political agreement on the Council position: none

Date of formal adoption of the Council position: 10 December 2010

Date of Parliament's opinion at second reading: 3 February 2011

**3. PURPOSE OF THE PROPOSAL**

African, Caribbean and Pacific (ACP) countries have traditionally had preferential access to the European Union (EU) market. Further to rulings by the WTO's Dispute Settlement and Appellate Bodies, the Union's banana trade regime had to be brought into conformity with WTO law. Thus, the Geneva Agreement on Trade in Bananas (GATB), initialled on 15 December 2009, settles all banana-related trade disputes and achieves WTO-compliance.

In the framework of the GATB, the European Commission agreed to propose a development programme to help the main ACP banana-exporting countries adapt to the changes in the EU's import regime. This ACP Banana Accompanying Measures (BAM) programme, the aim of which is to assist the restructuring of the banana sectors in the ten main ACP banana-exporting countries, requires an amendment of Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation (DCI).

The proposal is limited in time to the period 2010-2013 and is limited in scope in terms of its policy content and budgetary implications. It does not prejudice any future proposals for the new generation of external relations financial instruments under the next financial framework.

#### **4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT**

##### **4.1. Amendments accepted by the Commission**

The Commission can accept the amendments introduced by the Parliament in recital 5.

##### **4.2. Amendments rejected by the Commission**

The Commission cannot accept the amendments relating to delegated acts and Comitology issues (Recital 12; Articles 21, 22(3), 23, 33(2), and 35).

#### **5. CONCLUSION**

The discussions with the co-legislators shall continue after the second reading, in order to work on a consensual solution preferably giving substantive scrutiny rights to the European Parliament for the remainder of the current Multiannual Programming Period and leaving options open for the next one, including the possibility of having recourse to delegated acts while fully respecting the criteria established in Article 290 TFEU.