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"I/A" ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

Subject: Proposal for a Regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument (**first reading**)

- Adoption of the legislative act (**LA + S**)
- = Statements

Declaration by the European Commission on the strategic dialogue with the European Parliament¹

On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No .../2014 of the European Parliament and of the Council of ... establishing a European Neighbourhood Instrument⁺

¹ The European Commission will be represented at the responsible Commissioner level

* Where applicable.

⁺ OJ: Please insert the number and date of the regulation in doc 2011/0405(COD)

and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities*. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities*, and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

The European Commission will conduct a strategic dialogue with the European Parliament in preparing the mid-term review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue.

Declaration of the European Commission on the use of implementing acts for laying down provisions for the implementation of certain rules in Regulation No. .../2014 of the European Parliament and of the Council of ... establishing a European Neighbourhood Instrument⁺ and in Regulation (EU) No .../2014 of the European Parliament and of the Council of ... establishing an Instrument for Pre-Accession Assistance (IPA II)⁺⁺

The European Commission considers that the rules for implementing cross-border cooperation programmes as set out in Regulation (EU) No .../2014 of the European Parliament and of the Council of ... laying down common rules and procedures for the implementation of the Union's instruments for financing external action⁺⁺⁺ and other specific, more detailed implementing rules in Regulation (EU) No .../2014 of the European Parliament and of the Council of ... establishing a European Neighbourhood Instrument⁺ and in Regulation (EU) No .../2014 of the European

⁺⁺ OJ: Please insert the number and date of the regulation in doc 2011/0404(COD)

⁺⁺⁺ OJ: Please insert the number and date of the regulation in doc 2011/0415(COD)

⁺ OJ: Please insert the number and date of the regulation in doc 2011/0405(COD)

Parliament and of the Council of ... establishing an Instrument for Pre-Accession Assistance (IPA II)⁺⁺, aim at supplementing the basic act and should therefore be delegated acts to be adopted on the basis of Article 290 TFEU. The European Commission will not oppose the adoption of the text as agreed by the co-legislators. Nevertheless, the European Commission recalls that the question of delimitation between Articles 290 and 291 TFEU is currently under examination by the Court of Justice of the European Union in the "biocides" case.

⁺⁺ OJ: Please insert the number and date of the regulation in doc 2011/0404(COD)