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INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: **ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING**
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Neighbourhood, Development and International Cooperation Instrument
- Outcome of the European Parliament's second reading
(Strasbourg, 7 to 10 June 2021)

I. VOTE

On 9 June 2021, the President of the European Parliament declared the Council's position¹ at first reading approved without amendments.

The text of the European Parliament's legislative resolution is annexed to this note.

¹ 6879/1/21 REV 1.

II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING

Since the European Parliament has approved the Council's position at first reading without amendments, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294(7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act will be published in the *Official Journal of the European Union*.

P9_TA(2021)0279

Neighbourhood, Development and International Cooperation Instrument 2021-2027 – Global Europe *II**

European Parliament legislative resolution of 9 June 2021 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (06879/1/2021 – C9-0191/2021 – 2018/0243(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (06879/1/2021 – C9-0191/2021),
- having regard to the opinion of the European Economic and Social Committee of 12 December 2018¹,
- having regard to the opinion of the Committee of the Regions of 6 December 2018²,
- having regard to its position at first reading³ on the Commission proposal to Parliament and the Council (COM(2018)0460),
- having regard to the amended Commission proposal (COM(2020)0459),
- having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
- having regard to the provisional agreement approved by the committees responsible under Rule 74(4) of its Rules of Procedure,
- having regard to Rule 67 of its Rules of Procedure,
- having regard to the joint deliberations of the Committee on Foreign Affairs and the Committee on Development under Rule 58 of the Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Foreign Affairs and the Committee on Development (A9-0198/2021),

¹ OJ C 45, 4.2.2019, p. 1.

² OJ C 86, 7.3.2019, p. 295.

³ OJ C 108, 26.3.2021, p. 312.

1. Approves the Council position at first reading;
2. Approves its statements annexed to this resolution, which will be published in the C series of the *Official Journal of the European Union*;
3. Takes note of the Commission declarations annexed to this resolution, which will be published in the C series of the *Official Journal of the European Union*;
4. Notes that the act is adopted in accordance with the Council position;
5. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication, together with all the statements annexed to this resolution in the *Official Journal of the European Union*;
7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement by the European Parliament on the suspension of assistance granted under the external financing instruments

The European Parliament notes that Regulation (EU) 2021/... establishing the Neighbourhood, Development and International Cooperation Instrument - Global Europe contains a general reference on the possibility of suspending assistance without specifying the concrete basis for such a decision. Such a suspension of assistance should be implemented where a partner country persistently fails to observe the principles of democracy, the rule of law or good governance, or respect for human rights and fundamental freedoms or for internationally recognised nuclear safety standards.

Nevertheless, the European Parliament notes that, unlike in other geographic areas of cooperation, specific provisions for the Neighbourhood area, in particular Article 20(2), provide for increased support to civil society, conflict prevention and peacebuilding, people-to-people contacts, including cooperation between local authorities, support for the improvement of human rights or crisis-related support measures, in the event of serious or persistent degradation of democracy, human rights or the rule of law, or an increased risk of conflict. The European Parliament considers that such increased support to the above-mentioned areas should be provided if such degradation occurs in countries outside the Neighbourhood area as well, and recalls that in particular Article 4(5) foresees that actions implemented through thematic programmes may also be undertaken where the geographic programme has been suspended.

The European Parliament considers that any suspension of assistance under these instruments would modify the overall financial scheme agreed under the ordinary legislative procedure. As a co-legislator and co-branch of the budgetary authority, the European Parliament is therefore entitled to fully exercise its prerogatives in that regard, if such a decision is to be taken.

Statement by the European Parliament on Council Decision 2010/427/EU and strategic coordination

The European Parliament notes that the references to the Union's external action instruments in Article 9 of Council Decision 2010/427/EU are obsolete, and therefore considers that, for the sake of legal clarity, this Article should be updated, in accordance with the procedure laid down in Article 27(3) of the Treaty on European Union, in order to take into account the Union external assistance instruments applicable in the period of the 2021-2027 MFF, namely the Neighbourhood, Development and International Cooperation Instrument - Global Europe, the Instrument for Pre-Accession Assistance, the European Instrument for International Nuclear Safety Cooperation and the Decision on the Overseas Association, including Greenland.

The European Parliament calls on the Commission and on the European External Action Service (EEAS) to establish a strategic coordination structure composed of all relevant Commission services and of the EEAS in order to ensure coherence, synergy, transparency and accountability in accordance with Article 5 of Regulation (EU) 2021/... establishing the Neighbourhood, Development and International Cooperation Instrument - Global Europe.

Commission declaration on a geopolitical dialogue with the European Parliament on the Neighbourhood, Development and International Cooperation Instrument – Global Europe

The European Commission, mindful of the European Parliament's functions of political control laid down in Article 14 of the Treaty on the European Union, commits to conduct a high-level geopolitical dialogue between the two institutions on the implementation of Regulation (EU) XXX/XXX of the European Parliament and of the Council establishing the Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe. This dialogue should allow exchanges with the European Parliament, whose positions on the implementation of the NDICI will be fully taken into consideration.

The geopolitical dialogue will discuss general orientations on the implementation of the NDICI, including on programming before the adoption of programming documents, and concerning specific subjects such as the use of the emerging challenges and priorities cushion or applying leverage leading to possible changes in allocation of funding dedicated to migration or suspension of assistance to a partner country when it persistently fails to observe the principles of democracy, the rule of law, good governance, respect for human rights and fundamental freedoms.

The geopolitical dialogue will be structured as follows:

- (i) A high-level dialogue between the High Representative/Vice President and the Commissioners in charge of International Partnerships and of Neighbourhood and Enlargement and the European Parliament.
- (ii) A permanent dialogue at senior officials' level with AFET and DEVE working groups to ensure an adequate preparation and follow-up to the high-level dialogue.

The high-level dialogue will take place at least twice a year. One of the meetings may coincide with the presentation by the Commission of the draft annual budget.

Commission declaration on Recitals 50 and 51 and Article 8(10)

Regional migration support programmes will support comprehensive, balanced and tailor-made partnerships with relevant countries of origin or transit and host countries, following a flexible incitative approach, and supported by the coordination mechanism within the Neighbourhood, Development and International Cooperation Instrument – Global Europe. They will be complemented by actions under the country programmes, where appropriate.

In order to ensure the most efficient and impactful use of these funds, in line with the Union's and partner countries' policy priorities, the European Commission will actively implement these priorities using all relevant Union instruments and participate in the coordination with the Member States in a synchronised and efficient manner. It will ensure that the European Parliament and the Council are closely and regularly informed, allowing for exchanges of views.