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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 Instrument for Pre-accession Assistance (IPA III) - Outcome of the European Parliament's second reading (Strasbourg, 13 to 16 September 2021)

I. VOTE

On 15 September 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 6604/1/21 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*.

Instrument for pre-accession assistance (IPA III) 2021-2027 *II**

European Parliament legislative resolution of 15 September 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 Instrument for Pre-accession Assistance (IPA III) (06604/1/2021 – C9-0352/2021 – 2018/0247(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (06604/1/2021 – C9-0352/2021),
 - having regard to the opinion of the European Economic and Social Committee of 12 December 2018²,
 - having regard to the opinion of the Committee of the Regions of 6 December 2018³,
 - having regard to its position at first reading⁴ on the Commission proposal to Parliament and the Council (COM(2018)0465),
 - 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 committee responsible under Rule 74(4) of its Rules of Procedure,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Foreign Affairs (A9-0266/2021),
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 statements 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;

² OJ C 110, 22.3.2019, p. 156.

³ OJ C 86, 7.3.2019, p. 305.

⁴ OJ C 108, 26.3.2021, p. 409.

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 Instrument for Pre-accession Assistance (IPA III)

The European Parliament notes that Regulation (EU) 2021/... establishing the Instrument for Pre-accession Assistance (IPA III) 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 in the event of degradation in democracy, human rights and rule of law by a beneficiary listed in Annex I.

The European Parliament considers that any suspension of assistance under this instrument 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, that 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) 2021/947 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe⁵.

Statement of the European Parliament on the names of beneficiaries

The European Parliament notes that Annex I of Regulation (EU) 2021/... establishing the Instrument for Pre-accession Assistance (IPA III) refers to beneficiaries eligible for funding under this Instrument. The European Parliament considers that constitutional names shall be used for the beneficiaries listed, and Kosovo should be referred to as Republic of Kosovo.

Statement by the European Commission on a geopolitical dialogue with the European Parliament on the Instrument for Pre-Accession Assistance (IPA III)

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) No. 2021/XXX of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance (IPA III). This dialogue should allow exchanges with the European Parliament, whose positions on the implementation of the IPA III will be fully taken into consideration, in full respect of the Commission's ability to implement the instrument, in line with its institutional responsibilities.

The geopolitical dialogue will discuss general orientations on the implementation of the IPA III, including on programming before the adoption of the IPA III programming framework and programming documents, and concerning specific subjects such as the suspension of assistance to a beneficiary when it persistently fails to observe the principles of democracy, the rule of law, good governance, respect for human rights and fundamental freedoms.

⁵ Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1).

The geopolitical dialogue will be structured as follows:

- i) A high-level dialogue between the Commissioner in charge of Neighbourhood and Enlargement, on behalf of the Commission, and the European Parliament.
- ii) A permanent dialogue at senior officials' level with AFET 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.

Statement by the European Commission on the modulation/suspension of assistance in Article 8, paragraph 5 of Regulation No. 2021/XXX of the European Parliament and of the Council of XX/XX/2021 establishing the Instrument for Pre-Accession Assistance (IPA III)

The European Commission considers that the provision in Article 8(5) respects the powers of the Commission in the implementation of Union programmes, and the Union budget in general as long as it is without prejudice to the prerogatives and powers entrusted to the Commission by the Treaties and the Financial Regulation to suspend Union assistance provided to third countries.

Statement of the European Commission on the advisory nature of strategic boards as in in Article 12 of Regulation No. 2021/XXX/ of the European Parliament and of the Council of XX/XX 2021 establishing the Instrument for Pre-Accession Assistance (IPA III)

The European Commission recalls that as laid down in Article 12 of the IPA III Regulation, the Western Balkans Investment Framework (WBIF) strategic board is *an advisory body* to the Commission. This is aligned with Article 33 of the NDICI – Global Europe Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021, which refers to the WBIF and EFSD+ strategic boards. These strategic boards do not have decision-making powers in the context of the implementation of the EU budget. The Rules of Procedures for the WBIF strategic board will be established on this basis.