Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207(2), 209(1) and 212(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the Committee of the Regions[(1)],

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) The Union should seek to develop relations and build partnerships with third countries. This Regulation constitutes a new and complementary instrument providing direct support for the Union's external policies, expanding cooperation partnerships and policy dialogues to areas and subjects beyond development cooperation. It builds on the experience gained with industrialised countries and high-income countries and territories under Council Regulation (EC) No 1934/2006[(3)].

(2) The scope of cooperation pursuant to the geographic programmes with developing countries, territories and regions under the financing instrument for development cooperation established by Regulation (EC) No 1905/2006 of the European Parliament and of the Council[(4)] is almost entirely limited to financing measures designed to fulfil the criteria for official development assistance (ODA) established by the Development Assistance Committee of the Organisation for Economic Cooperation and Development (DAC-OECD).

(3) Over the last decade, the Union has consistently strengthened its bilateral relations with a broad range of industrialised and other high-income or middle-income countries and territories across different regions of the world.

(4) The Union needs a foreign policy financial instrument of global scope allowing the financing of measures which might not qualify as ODA, but which are crucially important for deepening and consolidating its relations with the third countries concerned, in particular through policy dialogues and the development of partnerships. That new instrument, innovative in terms of scope and objectives, should create a

positive environment for a deepened relationship between the Union and relevant third countries, and should promote core Union interests.

(5) It is in the Union's interest to deepen its relations and dialogue with countries with which the Union has a strategic interest in promoting links, especially developed and developing countries which play an increasingly important role in world affairs, including in global governance, foreign policy, the international economy, multilateral fora and bodies such as the G8 and the G20, and in addressing challenges of global concern.

(6) The Union needs to build comprehensive partnerships with new players on the international scene in order to promote a stable and inclusive international order, pursue common global public goods, promote core interests of the Union and increase knowledge of the Union in those countries.

(7) The scope of this Regulation needs to be worldwide, allowing for support for cooperation measures, as appropriate, to underpin relations with any country in which the Union has strategic interests, in accordance with the objectives of this Regulation.

(8) It is in the Union's interest to continue to promote dialogue and cooperation with countries which no longer qualify for bilateral programmes under the Development Cooperation Instrument established by Regulation (EU) No 233/2014 of the European Parliament and of the Council[(5)] (the 'Development Cooperation Instrument').

(9) Furthermore, it is in the Union's interest to have inclusive global institutions based on effective multilateralism and to work towards that goal.

(10) Under this Regulation, the Union should support the implementation of the external dimension of the strategy, outlined by the Commission in its Communication of 3 March 2010 entitled 'Europe 2020 — A Strategy for smart, sustainable and inclusive growth' ('Europe 2020'), bringing together three pillars: economic, social and environmental. In particular, this Regulation should support objectives relating to global issues such as climate change, energy security and resource efficiency, the transition to a greener economy, science, innovation and competitiveness, mobility, trade and investment, economic partnerships, business, employment and regulatory cooperation with third countries, and better market access for companies from the Union, including the internationalisation of small and medium-sized enterprises (SMEs). It should also promote public diplomacy, cooperation in educational and academic matters and outreach activities.

(11) In particular, the fight against climate change is recognised as one of the great global challenges faced by the Union and the broader international community. Climate change is an area where urgent international action is necessary and where achievement of the Union's goals requires cooperation with partner countries. The Union should therefore intensify its efforts to promote global consensus in this respect. In accordance with the Commission Communication of 29 June 2011 entitled 'A budget for Europe 2020', which calls on the Union to increase the climate related proportion of its budget to at least 20 %, this Regulation should contribute to the attainment of that goal.

(12) Transnational challenges, such as environmental degradation and access to and sustainable use of raw materials and rare earths, require a rule-based, inclusive approach.

(13) The Union is committed to helping to meet the global 2020 biodiversity targets and to delivering on the associated Strategy for resource mobilisation.

(14) The Union is committed, in its relations with its partners worldwide, to promoting decent work for all, as well as ratification and effective implementation of internationally recognised labour standards and multilateral environmental agreements.

(15) An important strategic interest of the Union is to boost growth and jobs by promoting fair and open trade and investment at the multilateral and bilateral level and by supporting the negotiation and implementation of trade and investment agreements to which the Union is a party. Under this Regulation, the Union should contribute to creating a secure climate for increased trading and investment opportunities worldwide for companies from the Union, not least SMEs, including by supporting regulatory cooperation and convergence, promoting international standards, improving the protection of intellectual property rights and targeting the removal of unwarranted barriers to market access.

(16) Pursuant to Article 21 of the Treaty on European Union (TEU), the Union's action on the international scene is to be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world, namely democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principle of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

(17) The Union should seek the most efficient use of available resources in order to optimise the impact of its external action. That should be achieved through coherence and complementarity between the Union's instruments for external action, as well as the creation of synergies between this Regulation, other instruments for financing external action and other policies of the Union. This should further entail mutual reinforcement of the programmes devised under the instruments for financing external action.

(18) In order to ensure the visibility towards citizens of the beneficiary countries and Union citizens of the Union's assistance, there should, where appropriate, be targeted communication and information by adequate means.

(19) In order to achieve the objectives of this Regulation, it is necessary to pursue a differentiated and flexible approach with key partner countries which takes into account their economic, social and political contexts, as well as the Union's specific interests, policy priorities and strategies, whilst maintaining the ability to intervene anywhere in the world where needed. The Union should apply a comprehensive approach to foreign policy, including the Union's sectoral policies.

(20) In order to make its commitment to the promotion and defence of its interests in its relations with third countries more effective, the Union should be able to respond in

a flexible and timely manner to evolving or unforeseen needs by adopting special measures not covered by multi-annual indicative programmes.

(21) The objectives of this Regulation should, whenever possible and appropriate, be pursued in consultation with relevant partners and stakeholders, including civil society organisations and local authorities, taking into account the importance of their roles.

(22) The Union's external action under this Regulation should contribute to clear results (covering outputs, outcomes and impacts) in countries benefiting from Union assistance. Whenever appropriate and possible, the results of the Union's external action and the efficiency of the instrument established by this Regulation should be monitored and assessed on the basis of pre-defined, clear, transparent and, where appropriate, country-specific and measurable indicators, adapted to the specificities and objectives of that instrument.

(23) Actions under this Regulation should, where appropriate, take due account of the resolutions and recommendations of the European Parliament.

(24) In order to adapt the scope of this Regulation to the rapidly evolving reality in third countries, the power to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union should be delegated to the Commission in respect of the priorities defined in the Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(25) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(6)]. Given the nature of those implementing acts, in particular their policy orientation nature and their financial implications, the examination procedure should be used for their adoption, except in the case of technical implementing measures of a small financial scale.

(26) Common rules and procedures for the implementation of the Union's instruments for financing external action are laid down in Regulation (EU) No 236/2014 of the European Parliament and of the Council[(7)].

(27) This Regulation lays down a financial envelope for its period of application which is to constitute the prime reference amount, within the meaning of point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management[(8)], for the European Parliament and the Council during the annual budgetary procedure.

(28) The organisation and functioning of the European External Action Service are established in Council Decision 2010/427/EU[(9)].

(29) Since the objectives of this Regulation, in particular the establishment of a Partnership Instrument for cooperation with third countries, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.

(30) It is appropriate to align the period of application of this Regulation with that of Council Regulation (EU, Euratom) No 1311/2013[(10)]. Therefore, this Regulation should apply from 1 January 2014 until 31 December 2020,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and objectives

1 This Regulation establishes a Partnership Instrument for cooperation with third countries (the 'Partnership Instrument') to advance and promote Union and mutual interests. The Partnership Instrument shall support measures that respond in an effective and flexible manner to objectives arising from the Union's bilateral, regional or multilateral relationships with third countries and shall address challenges of global concern and ensure an adequate follow-up to decisions taken at a multilateral level.

2 The measures to be financed under the Partnership Instrument shall reflect the following specific Union objectives:

a supporting the Union's bilateral, regional and inter-regional cooperation partnership strategies by promoting policy dialogue and by developing collective approaches and responses to challenges of global concern. The attainment of that objective shall be measured, inter alia, by the progress made by key partner countries in the fight against climate change or in promoting the environmental standards of the Union;

b implementing the international dimension of 'Europe 2020'. The attainment of that objective shall be measured by the uptake of the 'Europe 2020' policies and objectives by key partner countries;

c improving access to partner country markets and boosting trade, investment and business opportunities for companies from the Union, while eliminating barriers to market access and investment, by means of economic partnerships, business and regulatory cooperation. The attainment of that objective shall be measured by the Union's share in foreign trade with key partner countries and by trade and investment flows to partner countries specifically targeted by actions, programmes and measures under this Regulation;

d enhancing widespread understanding and visibility of the Union and of its role on the world scene by means of public diplomacy, people-to-people contacts, cooperation in educational and academic matters, think tank cooperation and outreach activities to promote the Union's values and interests. The attainment of that objective may be measured, inter alia, by opinion surveys or evaluations.