Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace

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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 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,

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

(1) This Regulation constitutes one of the instruments providing direct support for the Union's external policies and succeeds Regulation (EC) No 1717/2006 of the European Parliament and of the Council[(2)], which expired on 31 December 2013.

(2) Preserving peace, preventing conflicts, strengthening international security and assisting populations, countries and regions confronting natural or man-made disasters are among the prime objectives of the Union's external action as set out in, inter alia, Article 21 of the Treaty on European Union (TEU). Crises and conflicts affecting countries and regions, and other factors such as terrorism, organised crime, gender-based violence, climate change, cyber security challenges and security threats emanating from natural disasters pose a risk to stability and security. In order to address those issues in an effective and timely manner, specific financial resources and financing instruments are required that can work in a manner complementary to humanitarian aid and long-term cooperation instruments.

(3) In its conclusions of 15 and 16 June 2001, the European Council endorsed the Union Programme for the Prevention of Violent Conflicts, underlining the Union's political commitment to pursue conflict prevention as one of the main objectives of the Union's external relations, and acknowledging that development cooperation instruments can contribute to the attainment of that goal. The Council conclusions of 20 June 2011 on conflict prevention restated the validity of that Programme as a valid policy basis for further Union action in the field of conflict prevention. In its conclusions of 17 November 2009, the Council endorsed the ‘Concept on Strengthening EU Mediation and Dialogue Capacities’.

(4) The Council conclusions of 19 November 2007 on a EU response to situations of fragility and the conclusions of the Council and the Representatives of the Governments

of the Member States meeting within the Council, also dated 19 November 2007, on security and development, emphasised that the nexus between development and security should inform Union strategies and policies in order to contribute to policy coherence for development in accordance with Article 208 of the Treaty on the Functioning of the European Union (TFEU) and to the coherence of Union external action in general. More specifically, the Council concluded that future work on security and development should include the security and development implications of climate change, environmental and natural resource management issues and migration.

(5) The European Council approved the European Security Strategy on 12 December 2003 and the shared analysis of its Implementation Report on 11 December 2008. In its communication entitled 'EU Internal Security Strategy in Action: Five steps towards a more secure Europe', the Commission also noted the importance of cooperation with third countries and regional organisations, in particular for the purposes of combating multiple threats such as trafficking in human beings, drug trafficking and terrorism.

(6) In its communication entitled 'Towards an EU response to situations of fragility — engaging in difficult environments for sustainable development, stability and peace', the Commission recognised the essential contribution made by the Union to the promotion of peace and stability by addressing expressions of violence and root causes of insecurity and violent conflict. This Regulation should contribute to the attainment of those goals.

(7) On 8 December 2008, the Council approved a comprehensive approach to the implementation by the Union of United Nations Security Council Resolutions 1325 (2000) and 1820 (2008) on women, peace and security, recognising the close links between the issues of peace, security, development and gender equality. The Union has consistently called for full implementation of the women, peace and security agenda as set out in relevant United Nations Security Council resolutions, particularly the need to combat violence against women in conflict situations and to promote the participation of women in peacebuilding.

(8) The EU Strategic Framework and Action Plan on Human Rights and Democracy, adopted by the Council on 25 June 2012, calls for the development of operational guidance to ensure that human rights are taken into consideration in the design and implementation of counter-terrorism assistance measures, and underlines that the eradication of torture and other cruel, inhuman or degrading treatment and respect for due process (including the presumption of innocence, the right to a fair trial and rights of defence) are a Union priority in the implementation of human rights.

(9) Democracy and human rights have been placed at the forefront of the Union's relations with third countries and should thus be considered as principles under this Regulation.

(10) The European Council Declaration of 25 March 2004 on Combating Terrorism called for counter-terrorism objectives to be integrated into external assistance programmes. The European Union Counter-Terrorism Strategy, adopted by the Council on 30 November 2005, called for increased counter-terrorism cooperation with third countries and the United Nations. The Council conclusions of 23 May 2011 on enhancing the links between internal and external aspects of counter-terrorism called

for the capacity of the competent authorities involved in the fight against terrorism in third countries to be strengthened in the strategic programming of the Instrument for Stability established by Regulation (EC) No 1717/2006.

(11) Regulation (EC) No 1717/2006 was adopted with the objective of enabling the Union to provide a consistent and integrated response to situations of crisis and emerging crisis, to address specific global and trans-regional security threats and to enhance crisis preparedness. This Regulation aims to introduce a revised instrument, building on the experience of Regulation (EC) No 1717/2006, in order to increase the efficiency and coherence of the Union's actions in the areas of crisis response, conflict prevention, peace-building and crisis preparedness in addressing security threats and challenges.

(12) Measures adopted pursuant to this Regulation should pursue the objectives of Article 21 TEU and Articles 208 and 212 TFEU. They may be complementary to, and should be consistent with, measures adopted by the Union in pursuit of Common Foreign and Security Policy objectives within the framework of Title V TEU and measures adopted within the framework of Part Five TFEU. The Council and the Commission should cooperate to ensure such consistency, each in accordance with its respective powers.

(13) This Regulation should be consistent with the provisions concerning the organisation and functioning of the European External Action Service (‘EEAS’) as established by Council Decision 2010/427/EU[(3)]. The 2010 Declaration by the High Representative on political accountability confirmed the principles of dialogue with, consultation of, and the provision of information and reporting to the European Parliament.

(14) The Commission and the EEAS, as appropriate, should hold regular and frequent exchanges of views and information with the European Parliament. In addition, according to the relevant inter-institutional agreements on the matter, the European Parliament is to be given access to documents in order for the right of scrutiny under Regulation (EU) No 182/2011 of the European Parliament and of the Council[(4)] to be exercised in an informed manner.

(15) Common rules and procedures for the implementation of the Union's instruments for financing external action are laid down in Regulation (EU) No 231/2014 of the European Parliament and of the Council[(5)].

(16) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with regard to programming and implementation measures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

(17) Given the nature of such implementing acts, in particular their policy orientation nature and budgetary implications, the examination procedure should in principle be used for their adoption, except in the case of measures of a small financial scale.

(18) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the need for a swift response from the Union, imperative grounds of urgency so require.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) No 230/2014 of the European Parliament and of the Council. (See end of Document for details)*

(19) 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 instrument, other Union 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.

(20) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, 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 in order to achieve those objectives.

(21) 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[(6)], for the European Parliament and the Council during the annual budgetary procedure.

(22) It is appropriate to align the period of application of this Regulation with that of Council Regulation (EU, Euratom) No 1311/2013[(7)]. Therefore, this Regulation should apply from 1 January 2014 until 31 December 2020,

HAVE ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

Subject-matter and objectives

1 This Regulation establishes an instrument (the ‘Instrument contributing to Stability and Peace’) which provides, for the period from 2014 to 2020, direct support for the Union's external policies by increasing the efficiency and coherence of the Union's actions in the areas of crisis response, conflict prevention, peace-building and crisis preparedness, and in addressing global and trans-regional threats.

2 The Union shall undertake development cooperation measures, as well as financial, economic and technical cooperation measures, with third countries, regional and international organisations and other State and civil society actors under the conditions laid down in this Regulation.

[[F1]Where Union assistance is provided to the security sector actors, this may also include military actors under exceptional circumstances as provided for in Article

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3a in the context of a wider security sector reform process or capacity building in support of development and security for development in third countries, in line with the overarching objective of achieving sustainable development.**]**

3 For the purposes of this Regulation, the term ‘civil society actors’ includes non-governmental organisations, organisations representing indigenous peoples, local citizens' groups and traders' associations, cooperatives, trade unions, organisations representing economic and social interests, local organisations (including networks) involved in decentralised regional cooperation and integration, consumer organisations, women's and youth organisations, teaching, cultural, research and scientific organisations, universities, churches and religious associations and communities, the media and any non-governmental associations and private and public foundations likely to contribute to the development or to the external dimension of internal policies. Other bodies or actors not listed in this paragraph may be financed when necessary in order to achieve the objectives of this Regulation.

4 The specific objectives of this Regulation shall be:

a in a situation of crisis or emerging crisis, to contribute swiftly to stability by providing an effective response designed to help preserve, establish or re-establish the conditions essential to the proper implementation of the Union's external policies and actions in accordance with Article 21 TEU;

b to contribute to the prevention of conflicts and to ensuring capacity and preparedness to address pre- and post-crisis situations and build peace; and

c to address specific global and trans-regional threats to peace, international security and stability.

Textual Amendments

F1 Inserted by Regulation (EU) 2017/2306 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 230/2014 establishing an instrument contributing to stability and peace.

Article 2

Consistency and complementarity of Union assistance

1 The Commission shall ensure that measures adopted pursuant to this Regulation are consistent with the Union's overall strategic policy framework for the partner countries, and in particular with the objectives of the measures referred to in paragraph 2, as well as with other relevant Union measures.

2 Measures adopted pursuant to this Regulation may be complementary to, and shall be consistent with, measures adopted under Title V TEU and Part Five TFEU. Measures adopted pursuant to this Regulation shall duly take into consideration the views of the European Parliament.

3 Union assistance under this Regulation shall be complementary to that provided for under Union instruments for external assistance, shall be provided only to the extent that an adequate and effective response cannot be provided under those instruments, and shall be planned and implemented in such a way as to achieve continuity of actions under those instruments, where applicable.

4 The following cross-cutting issues shall be included, where possible, including in programming: