



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.11.1997
COM(97) 516 final

97/ 0298 (CNS)

Proposal for a

COUNCIL REGULATION (EC)

amending Council Regulation (EC) No 1488/96 (MEDA) as regards the procedure for adopting the appropriate measures where an essential element for the continuation of support measures for a Mediterranean Partner is lacking.

(presented by the Commission)

EXPLANATORY MEMORANDUM

Article 3 of the Regulation (EC) N° 1488/96 lays down that the MEDA Regulation is based on respect of democratic principles and the rule of law, as well as of human rights and fundamental freedoms, which constitute an essential element the violation of which justifies the adoption of appropriate measures, in accordance with the original proposal of the Commission.

In this proposal the Commission had also proposed that, when an essential element for the continuation of assistance for a Mediterranean partner is lacking, the measures to be taken should be decided by the Council by qualified majority, on a proposal from the Commission. However, during discussions on this proposal within the Council, it proved that a consensus on this proposal could not be reached as long as the intergovernmental Conference had not completed its work. For this reason Article 16 of the aforementioned Regulation lays down that the decision on the procedure for the adoption of the appropriate measures is deferred to 30 June 1997.

The attached proposal reintroduces the procedure of decision by a qualified majority to adopt the appropriate measures to be taken when an essential element for the continuation of aid for a partner is missing.

COUNCIL REGULATION (EC) No.....

of .../.../...

amending Council Regulation (EC) No 1488/96 (MEDA) as regards the procedure for adopting the appropriate measures where an essential element for the continuation of support measures for a Mediterranean Partner is lacking.

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal of the Commission,

Having regard to the opinion of the European Parliament,

Whereas Article 3 of Regulation (EC) No 1488/96 provides that the said Regulation is based on the respect for democratic principles and the rule of law and also for human rights and fundamental freedoms, which constitute an essential element thereof, the violation of which element will justify the adoption of appropriate measures,

Whereas Article 16 of Regulation (EC) No 1488/96 provides that the definitive procedure for adopting the appropriate measures where an essential element for the continuation of support measures to a Mediterranean Partner is lacking shall be determined by 30 June 1997,

Whereas it is therefore necessary to amend Regulation No 1488/96 to determine such a procedure,

Whereas the Treaty has not provided, for the adoption of this Regulation, powers other than those of Article 235 of the EC Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Article 16 of Regulation No 1488/96 is replaced by the following:

“When an essential element for the continuation of support measures to a Mediterranean Partner is missing, the Council may, on a proposal from the Commission, acting by a qualified majority, decide upon appropriate measures.”

Article 2

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels.....

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