



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.12.1996  
SEC(96) 2283 final

95/0166 (SYN)

COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT

pursuant to the first subparagraph of Article 189 c (b) of the EC-Treaty

**Common position of the Council with a view to the adoption of Council  
Regulation (EC) No ..../ on aid for population policies and  
programmes in the developing countries**

## **I. BACKGROUND**

1. The proposal from the Commission was sent to the Council and the European Parliament on 8 September 1995<sup>1</sup>.
2. Parliament delivered its opinion on 24 May 1996.
3. The Commission presented an amended proposal on 4 September 1996.
4. The Council agreed a common position on 22 November 1996.

## **II. PURPOSE OF THE COMMISSION'S PROPOSAL**

The aim of the proposal is to establish a legal basis for implementing projects under heading B7-631 (ex B7-5050) of the Community budget ("Aid for population policies and programmes in developing countries").

## **III. COMMENTS ON THE COMMON POSITION**

1. Generally speaking, the common position embodies the points from the Commission's amended proposal with editorial changes, particularly with regard to the recitals and scope.

The Council, however, diverged from the Commission on the period of validity of the Regulation, a reference amount, committee procedure and information requirements.

2. Action taken on Parliament's amendments

Parliament adopted 40 amendments on first reading at a plenary sitting on 24 May 1996. The Commission included a total of 26 amendments in its amended proposal in whole or partially, with editorial changes in some cases though it was unable to include the remaining 14.

In essence, the aim of these amendments is to delineate the scope of the Regulation and to include references to the results of the World Conference on Population and Development (Cairo, 1994), particularly with regard to the condemnation of violations of human rights in the form of coercive and abusive practices, and of abortion as an instrument of population policy.

The amendments not accepted by the Commission, or accepted only in part, call for the following remarks:

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<sup>1</sup> OJ No C 310, 22 November 1995, p. 13.

In some cases, the Commission's adverse attitude is due to formulation rather than substance, so that the wording of the original proposal appears preferable. A number of other amendments were intended to change the procedure for implementing cooperation projects. For the sake of clarity and legal coherence it was necessary to keep a degree of uniformity with similar provisions in other regulations of a like kind already in force or in the course of adoption and not to deviate from standard clauses.

An amendment referring to an increase in Community funding for population programmes to ECU 300 million by the year 2000 was not taken up because the budgetary authority had not so decided and in view of the prevailing uncertainty.

Part of another amendment which would have brought in an absolute prohibition of funding for interruptions of pregnancy from the budget heading in question was not accepted owing to the need to be able to provide health care to reduce deaths of mothers due to abortions carried out under bad conditions or to problem pregnancies.

### 3. New provisions introduced by the Council

#### 3.1 Scope

Apart from the abovementioned editorial changes, the Council emphasised (Article 2 of the common position) that the countries receiving the aid will, as a priority, be those with the greatest difficulty in meeting the criteria laid down by the World Conference on Population and Development, the poorest and least advanced countries, and the most disadvantaged groups in developing countries. The Commission accepted these amendments.

#### 3.2 Period of validity

The Commission did not propose an expiry date for the Regulation because it considered a long-term effort necessary the better to implement population policies and programmes and, consequently, to make the population dimension an integral part of the development process in LDCs. The Council did not agree with the Commission (see Articles 9 and 13) and decided that the Regulation would run until 2002.

#### 3.3 Reference amount

The Commission abided by the financial statement in not proposing a reference amount. The Council, however, decided to include one namely, ECU 35 million, equivalent to ECU 7 million annually for the period 1998-2002. In a statement on Article 9 of the common position the Commission underlined the fact that the inclusion of a reference amount was the Council's sole responsibility and would not affect the powers of the budgetary authority.

#### 3.4 Information to be supplied to the Council

Apart from the procedures envisaged by the Commission to ensure transparency and coordination (a committee on projects over ECU 2 million; exchanges of views on general policy; an annual report) the Council included two further requirements: prior information for the Committee on projects below ECU 2 million, to be provided a week before the decision is reached (see Article 10), and *ex post facto* information to be supplied to the Member States on all projects within a month of the decision being taken (Article 12).

The Commission pointed out that the number of ways of supplying information was well in excess of what may be regarded as necessary for adequate transparency and what was warranted by the staff available.

When the Commission exercises delegated powers without the Committee's involvement, they are exercised in accordance with the current rules on transparency. It cannot accept any condition above and beyond those laid down by Council Decision No 373 of 13 July 1987. The Commission therefore cannot accept this amendment.

A statement to this effect was included in the Council minutes (22 November 1996).

4. Committees called on to deliver opinions on proposed projects

The Commission's proposal envisaged that this task would be assigned to the AIA, MED and EDF Committees in accordance with the advisory committee type I procedure. The Council, however, decided on a regulatory committee type III(a) procedure. The Commission has called for its statement on Article 11 of the common position to be included in the minutes in order to convey that it would not be able to accept this modification.

#### IV. CONCLUSION

The Commission has accepted the common position except as regards the new provisions brought in by the Council relating to the reference amount and to the questions linked to the committee procedures. The Commission has called for the aforesaid statements (see para. III.3) to be included in the minutes.