



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.09.1996
COM(96)433 final

95/0166 (SYN)

Amended proposal for a

COUNCIL REGULATION (EC)

on aid for population policies and programmes in the
developing countries

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

The proposed regulation lays down objectives and procedures for operations financed under budget heading B7-631 (ex-B7-5050) "Aid for population policies and programmes in developing countries".

The proposal was first presented by the Commission on 8 September 1995 (OJ No C 310, 22.11.1995, p. 13).

On the basis of a report by Mr. Jean-Thomas Nordmann, on 24 May 1996 Parliament unanimously adopted the Commission's proposal subject to 40 amendments. The Council has still to discuss the proposal.

When the proposal was discussed in Parliament, the Commission stated that it was prepared to accept 26 amendments in full or in part, in some cases with changes in the drafting, but was unable to accept the remaining 14.

The Commission therefore has to draw up an amended proposal incorporating those amendments it accepts. The bulk of the amendments are aimed at clarifying or expanding on the scope of the Regulation and including references to the outcome of the World Conference on Population and Development (Cairo, 1994), and in particular the denunciation of human rights violations in the form of coercive or abusive policies or practices and of abortion as a means of curbing population growth.

As to the amendments that the Commission did not accept (or at least not in their entirety), the following remarks are called for:

In some cases the Commission's opposition is a matter of form rather than substance, a question of preferring the original wording. Other amendments were intended to amend the procedure for implementing operations. Clear and consistent legislation calls for a certain uniformity to be maintained with like provisions in comparable regulations already in force or pending, with no deviation from standard clauses.

One amendment increasing the Community's financial contribution for population programmes to ECU 300 million in the years to 2000 fell by the wayside because the budgetary authorities had taken no decision to that effect and because certain issues remained to be resolved.

Part of another amendment, which would have imposed an across-the-board ban on funding for abortions under the budget item in question, was rejected so that women could be provided with the health care needed to reduce deaths resulting from abortions carried out in poor conditions or abnormal pregnancies.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission,

in cooperation with the European Parliament,

Whereas the capacity of most developing countries to achieve social and economic development is hampered by many obstacles, one of them being the high rate of population growth; whereas these countries have adopted national birth-spacing programmes;

Whereas the World Conference on Population and Development held in Cairo in 1994 has adopted a platform of action;

Whereas the Council, in its resolutions of 11 November 1986 and 18 November 1992 respectively concerning population and development and family planning and cooperation with the developing countries, recognized the urgent need to satisfy unmet demand for family-planning services, at the same time stressing the need to help the developing countries implement broad-based population programmes encompassing all the different factors determining control over fertility;

Whereas the Parliament hearing of 25 November 1993 highlighted the complex relationship between population and development; whereas, up to a point, population growth may promote economic development; whereas, however, the very high rates of growth observed in a number of developing countries make it impossible to satisfy the needs thus generated and open up prospects for balanced development, notably as far as the environment is concerned,

Whereas, against the present background of globalization of trade, population issues are one of the elements contributing to world-wide interdependence;

Whereas a number of developing countries have entered a phase of demographic transition characterized by a significant reduction in the fertility rate which points at a change in attitude conducive to a reduction in family size;

Whereas individual freedom of choice for women and men in matters concerning their fertility is a significant element of progress and development;

Whereas the Community has been helping finance specific measures and pilot schemes in pursuit of these objectives since 1990; whereas it is time for the Community to step up its cooperation in this particular area, in accordance with the action plan of the Cairo International Conference on Population and Development;

Whereas the Community upholds the right of individuals to decide on the number and spacing of their children; whereas it denounces any violation of human rights in the form of compulsory abortion, compulsory sterilization, infanticide, rejection, abandonment and abuse inflicted on unwanted children as a means of curbing population growth;

Whereas the Community has undertaken to follow up the Cairo conference, notably by increasing its financial support for population programmes in the developing countries;

Whereas, when implementing cooperation measures, the decision adopted at the Cairo Conference according to which abortion can never be endorsed as a family-planning method has to be rigorously observed;

Whereas the recipient countries must be helped to introduce population programmes that are compatible with sustainable development, and to develop strategies aimed at giving women the power to decide and achieving equality between women and men, which are determining factors in the choice to use family planning, through measures in a variety of social, economic and cultural sectors, and in particular the key sectors of education and health;

Whereas, to be truly effective, such population programmes must be part of an overall policy to combat poverty and counter the threats on the environment;

Whereas new operations of this kind will only be effective if they are accompanied by sustainable economic and social development enabling the harmonious and progressive integration of the developing countries into the world economy;

Whereas non-governmental organizations play an essential role in ensuring the success of health, education and family-planning policies, in particular among women and adolescents,

Whereas this programme must be funded by grants from the Community budget;

Whereas administrative rules and procedures must be laid down for cooperation in this field,

HAS ADOPTED THIS REGULATION:

Article 1

The Community shall conduct cooperation in support of population programmes and policies in the developing countries.

Article 1a

Population issues will be progressively integrated into the various aspects of the Community's development cooperation policy.

Article 2

1. In operations funded in the course of the cooperation referred to in Article 1, account shall be taken of the following priority objectives:

- enabling women and men to make a free and informed choice about the number and spacing of their children,
- contributing to the creation of a socio-cultural, economic and educational environment conducive to the full exercise of that choice, especially for women and adolescents, and in particular through the condemnation and eradication of all forms of sexual violence and abuse which affect their dignity and health;
- helping develop or reform health systems in order to improve the accessibility and quality of reproductive health care, thereby appreciably reducing the risks to the health of women and children;

2. Community aid may be granted to projects involving activities in the following areas:

- support for the establishment and development of reproductive health care services and family-planning services as part of policies implemented by governments, international bodies and NGOs, particularly targeting groups for whom the issue is especially important, such as the adolescents;
- help with the drafting, application or financing of policies in the sectors of the education of women and health;
- the improvement of reproductive health care services, encompassing safer pregnancies, perinatal care, family planning, prevention and treatment of sexually transmitted diseases, including AIDS, in terms of infrastructure, equipment, supplies or training;
- support for information, education and awareness campaigns aimed, in particular, at promoting understanding of the wider social benefits of speeding up the demographic transition,
- the development of grassroots structures, the voluntary sector, local NGOs and South-South cooperation for the implementation of programmes, the exchange of experience and support for cooperation networks between partners,
- family-planning policy, including information on safe and legal contraception methods.

Article 3

The recipients of aid and cooperation partners shall include not only states and regions, but local services, regional organizations, government agencies, traditional or local communities, private operators and industries, including cooperatives, local and Member-State-based NGOs, and grassroots associations.

Article 3a

Women, who are central to any sustainable human development policy, shall be invited to take part in the design, planning, implementation and evaluation of all population projects and programmes.

Article 3b

Cooperation initiatives shall be implemented on the basis of dialogue with the national, regional and local authorities concerned, so as to avoid that policy measures be imposed without consultation and make allowances, as far as possible, for the economic, social and cultural background of the sections of population concerned.

Article 4

1. Community assistance in the implementation of the operations referred to in Article 2 shall include studies, the provision of services, technical assistance, support for good causes, training or other services, information, education and communication, supplies and works, and evaluation and monitoring missions and audits.

2. According to the needs of the operations concerned, Community financing may cover both capital investment, other than the purchase of real estate, and operating costs in foreign or local currency. However, with the exception of training programmes, operating costs may normally be covered only during the start-up phase and on a degressive basis.

3. A systematic effort shall be made to obtain a contribution, and in particular a financial contribution, from the ultimate beneficiaries (countries, local communities, firms or others), according to their means and the nature of the operation concerned.

3a. A financial contribution from the local partners, particularly in respect of operating costs, shall be sought as a matter of priority in the case of projects intended to launch long-term activities, so as to ensure the viability of such projects once Community funding comes to an end.

4. Opportunities shall be sought for cofinancing, in particular with the Member States or with multilateral, regional or other organizations. The requisite measures shall be taken to highlight the Community character of aid granted under this Regulation.

5. The Commission shall take all coordination measures necessary to maximize overall efficiency by enhancing the consistency and complementarity of operations financed by the Community, the Member States and other bilateral or multilateral providers of funds, and in particular:

- (a) the setting-up of a standard system for exchanges of information on the operations financed or considered for financing by the Community, the Member States and the other bilateral or multilateral providers of funds;
- (b) on-the-spot coordination of operations through regular meetings and exchanges of information between the representatives of the providers of funds in the recipient country.

Article 5

Financial support under this Regulation shall take the form of grants.

Article 6

1. The Commission shall be responsible for appraising, approving and managing operations covered by this Regulation in accordance with the budgetary and other procedures in force, and in particular those laid down in the Financial Regulation applicable to the general budget of the European Communities.
2. Decisions relating to grants of more than ECU 2 million for individual operations financed under this Regulation and any changes resulting in an increase of more than 20% in the sum initially approved for such an operation shall be adopted under the procedure laid down in Article 7.
3. All financing agreements or contracts concluded under this Regulation shall provide for the Commission and the Court of Auditors to conduct on-the-spot checks according to the usual procedures laid down by the Commission under the rules in force, and in particular those of the Financial Regulation applicable to the general budget of the European Communities.
4. Where operations are the subject of financing agreements between the Community and the recipient country, such agreement shall stipulate that the payment of taxes, duties or any other charges is not to be covered by the Community.
5. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural and legal persons of the Member States and of the recipient country. It may be extended to other developing countries.
6. Supplies shall originate in the Member States, the recipient country or other developing countries. In exceptional cases, where circumstances warrant, supplies may originate elsewhere.

Article 7

1. The Commission shall be assisted by an advisory committee made up of representatives from the Member States and chaired by a representative of the Commission, namely, depending on the recipient country or region:

(a) in the case of the ACP countries, the EDF Committee set up by Article 21 of Internal Agreement 91/401/EEC on the financing and administration of Community aid under the fourth Lomé Convention, adopted on 16 July 1990 by the representatives of the Member States meeting within the Council;

(b) in the case of the Mediterranean countries, the MED Committee set up by Article 6 of Council Regulation (EEC) No 1762/92¹ of 29 June 1992,

(c) in the case of Asian and Latin American countries, the ALA Committee set up by Article 15 of Council Regulation (EEC) No 443/92² of 25 February 1992

2. The Commission representative shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition each Member State shall have the right to ask to have its position recorded in the minutes

The Commission shall take the utmost account of opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account

3. The committee shall meet once a year, during a joint meeting of the three committees mentioned in the first paragraph, to discuss general guidelines presented by the Commission representative for operations in the year ahead.

¹ OJ No L 151, 1.7.1992, p. 1.
² OJ No L 32, 27.2.1992, p. 1.

Article 8

At the end of each budget year, the Commission shall present a report to Parliament and the Council summarizing the operations financed in the course of that year and evaluating the implementation of this Regulation over that period..

The summary shall in particular contain information about those with whom contracts have been concluded.

The report shall also summarize any independent evaluation conducted of specific operations.

Article 9

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

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

This Regulation shall be reviewed five years after its entry into force.

ISSN 0254-1475

COM(96) 433 final

DOCUMENTS

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Catalogue number : CB-CO-96-435-EN-C

ISBN 92-78-08559-6

Office for Official Publications of the European Communities

L-2985 Luxembourg

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