



ASSEMBLY OF THE PORTUGUESE REPUBLIC
EUROPEAN AFFAIRS COMMITTEE

Opinion

COM(2016)447

PART I - INTRODUCTION

Pursuant to Article 7 of Law 43/2006 of 25 August 2006 on the monitoring, examination and issuing of opinions by the Assembly of the Portuguese Republic in the context of the process of EU integration, as amended by Law 21/2012 of 17 May 2012, and in accordance with the Guidelines for the Scrutiny of EU Initiatives approved on 1 March 2016, the European Affairs Committee received the proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending 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 [COM(2016)447].

Given its subject matter, the above-mentioned initiative was forwarded to the Committee on Foreign Affairs and Portuguese Communities, which analysed it and approved the report annexed to this Opinion, of which it is an integral part.

PART II - GROUNDS

1 - This initiative concerns the proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending 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

2 - The proposal notes that the link between security and development has been recognised both at European and at international level¹. The *2005 European Consensus on Development* already recognised this link, which is central to maximising the effectiveness of the EU's external action.

Supporting partner countries' security systems, as part of a broader reform process to provide effective and accountable security to the State and to individuals, contributes to the EU's objectives of inclusive and sustainable development, state-building and the rule of law.

¹ For example, World Bank, *World Development Report: Conflict, Security and Development*, 2011.

Consequently, human security includes people-centred, multi-sectoral, comprehensive, context-specific, and prevention-oriented approaches. This is especially the case when it is clear that without security, access to the people most at risk of being left behind in conflict settings is limited, and effective outcomes of either humanitarian or development work are less likely.

3 - In this context, it is worth noting that the *United Nations' 2030 Agenda for Sustainable Development*, adopted in September 2015, underlines the importance of promoting peaceful and inclusive societies both as a Sustainable Development Goal (SDG 16) and in order to achieve other development policy outcomes.

SDG 16 specifically emphasises the need to “*strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime*”².

4 - Accordingly, the proposal states that supporting security sector actors in third countries – including the military under exceptional circumstances – in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development.

Those actions are particularly necessary to ensure the protection of civilian populations in the areas affected by conflict, crises or fragility.

5 - Furthermore, the European Council conclusions of 19 and 20 December 2013 emphasised the importance of supporting partner countries and regional organisations, through providing training, advice, equipment and resources where appropriate, so that they can increasingly prevent or manage crises by themselves.

6 - Also, in the Joint Communication entitled ‘*Capacity building in support of security and development – Enabling partners to prevent and manage crises*’, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy reiterated the need for stable and secure societies in order to achieve development objectives³.

7 - In the same vein, the Council conclusions on Common Security and Defence Policy (CSDP) of 18 May 2015 called for the exploration of options to enhance coherence and coordination between EU security and development actions, as well as better delivery of capacity building in support of security and development, notably in terms of financing instruments⁴.

They also encouraged the development of an EU-wide strategic framework for Security Sector Reform, bringing together CSDP and all other relevant Common Foreign and Security Policy (CFSP) tools as well as development cooperation instruments and freedom, security and justice actors.

8 - The specific objectives of this initiative are:

i) to help improve the capacity of partner countries to prevent and manage crises by themselves;

² United Nations, A/RES/70/1, Resolution adopted by the General Assembly on 25 September 2015.

³ JOIN(2015) 17 final of 28 April 2015.

⁴ Foreign Affairs Council (Defence formation) conclusions on CSDP, document 8971/15 of 18 May 2015.

ii) to contribute to improving the effectiveness of the Union's development actions by working with all security actors, including the military, through capacity building by the EU in support of security and development, as soon as possible, flexibly and comprehensively;

iii) to contribute to ensuring respect for the rule of law, good governance as well as enhanced civilian control and oversight over the military in third countries.

9 - The present initiative therefore fits with the ambition to bring together EU tools on major challenges, as outlined in the Joint Communication *The EU's comprehensive approach to external conflict and crisis*⁵ and the subsequent Council conclusions⁶.

10 - Lastly, the proposal states that the *resources for EU CSDP military operations are financed by the participating EU Member States, and through the Athena mechanism⁷ designed to manage the financing of common costs relating to EU military operations under the CSDP.*

These costs concern, inter alia, headquarters' implementation and running costs, infrastructure, logistics and mission support, but not the costs incurred by a partner country supported through a mission or operation.

Outside the general budget of the Union, the European Development Fund (EDF) provides financial resources to implement the EU's development cooperation policy with the African, Caribbean and Pacific (ACP) group of states under the Cotonou Partnership Agreement⁸.

The African Peace Facility⁹ (APF) was set up in 2003 under the EDF and is to date the most far-reaching instrument to address the security-development nexus, also providing support to military activities.

Nonetheless, the APF is subject to a number of limitations, notably in its geographical and exclusively regional coverage, which prevents the global use of this Facility at national level.

In terms of cost, a budget of EUR 100 000 000 over the period 2017-2020 would be required.

The initiative will be financed through redeployment within Heading IV of the general budget of the Union.

No additional resources would be mobilised.

Implementation will be governed by Regulation (EU) No 236/2014¹⁰.

⁵ JOIN(2013) 30 final of 11 December 2013.

⁶ Council conclusions 9644/14 of 12 May 2014.

⁷ Article 41 TEU sets out the principles for the financing of EU civilian and military crisis management operations. The common costs of such operations are currently covered by Council Decision (CFSP) 2015/528 of 27 March 2015 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (*Athena*) and repealing Decision 2011/871/CFSP, OJ L 84, 28.3.2015.

⁸ *Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part*, signed in Cotonou on 23.6.2000, revised in Luxembourg on 25.6.2005, revised in Ouagadougou on 22.6.2010.

⁹ Article 11 of the Cotonou Partnership Agreement on 'Peace building policies, conflict prevention and resolution' and the relevant Council conclusions provide the legal basis for the APF; Decision No 3/2003 of the ACP-EC Council of Ministers of 11 December 2003 on the use of resources from the long-term development envelope of the 9th EDF for the creation of a Peace Facility for Africa, OJ L 345, 31.12.2003.

In the light of the provisions contained in the proposal, the following must be considered:

a) Legal basis

The legal basis of this legislative proposal consists of Article 209(1) TFEU (cooperation with third countries and humanitarian aid) and Article 212(2) TFEU (economic, financial and technical cooperation with third countries).

b) Principle of subsidiarity

Intervention at EU level can better achieve security and stability and act as a driver for more effective international efforts in security and development. EU action is necessary and justified both on the grounds of the objectives laid down in the Treaty and on the subsidiarity principle.

Thus, the Member States are unable to achieve the aims of the initiative to a sufficient degree if they act alone, and only coordinated and appropriate action will allow these objectives to be achieved in an effective manner at European Union level. As a result, the initiative does not breach the principle of subsidiarity.

PART III - OPINION

In the light of the information set out above and the report of the relevant committee, the European Affairs Committee's opinion is as follows:

- 1 - This initiative does not breach the principle of subsidiarity, in so far as the objective pursued will be achieved more effectively by means of action at Union level.
- 2 - This concludes the scrutiny of this initiative.

Palácio de São Bento, 25 October 2016

Member of Parliament and Rapporteur

Chair of the Committee

[signature]

[signature]

(Carlos Costa Neves)

(Regina Bastos)

¹⁰ Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external actions, OJ L 77, 15.3.2014, p. 95.

PART IV - ANNEX

Report by the Committee on Foreign Affairs and the Portuguese Communities.