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**Proposal for a Regulation of the European Parliament and of the Council  
establishing a European Neighbourhood Instrument**

**TRILOGUE OUTCOMES TABLE**  
**(as of 24/01/2013)**

Interinstitutional File:  
2011/0405 (COD)

Commission proposal COM(2011) 839 final	Council Partial General Approach ST 11028/12	European Parliament AFET Committee amendments	Outcome
<p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Neighbourhood Instrument</p>			
<p style="text-align: center;"><b>Preamble</b></p>			
<p>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 Article 209 (1) and 212 (2) thereof,          Having regard to the proposal from the Commission,          After transmission of the draft legislative act to the national Parliaments,          Having regard to the opinion of the European Economic and Social Committee ,          Having regard to the opinion of the</p>			

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Committee of the Regions , Acting in accordance with the ordinary legislative procedure, Whereas:			
		<i>(-1) This Regulation should lay down, for the entire duration of the instrument which it establishes, a financial envelope constituting the prime reference, within the meaning of point [...] of the Interinstitutional Agreement of XX/201Z between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management, for the budgetary authority during the annual budgetary procedure.</i>	The new recital suggested by EP has not yet been discussed.
(1) This Regulation constitutes one of the instruments providing direct support for the European Union's external policies. It will replace the Regulation of the European Parliament and of the Council No 1638/2006 of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership			The recital has not yet been discussed.

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Instrument which expires on 31 December 2013.			
(2) Article 8 of the Treaty on European Union provides for the development of a special relationship with neighbouring countries, with the aim of establishing an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.			The recital has not yet been discussed.
(3) The Union seeks to promote, develop and consolidate the values of liberty, democracy, respect for human rights and fundamental freedoms, principles of equality and the rule of law on which it is founded through dialogue and cooperation with third countries.	(3) The Union seeks to promote, develop and consolidate the values of liberty, democracy, respect for human rights and fundamental freedoms, <b>and the</b> principles of equality and the rule of law on which it is founded through dialogue and cooperation with third countries <b>in the framework of the observance and development of international law.</b>	<del>(3) The Union seeks to promote, develop and consolidate the values of liberty, democracy, respect for</del> <b><i>Union's action on the international scene should be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world, namely democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, principles the principle of equality and the rule of law on which it is founded through</i></b>	The recital has not yet been discussed.

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		<p><del>dialogue and cooperation with third countries</del> <i>and solidarity and respect for the principles of the United Nations Charter and international law.</i></p>	
		<p><i>(3a) The Union's external action under the instrument established by this Regulation should have an impact reflected in concrete changes in the partner countries. That impact should whenever possible be monitored through an adequate mechanism and assessed on the basis of pre-defined country specific, clear, transparent and measurable indicators.</i></p>	<p>The new recital suggested by EP has not yet been discussed.</p>
<p>(4) Since it was launched, the European Neighbourhood Policy has significantly strengthened relations with partner countries and brought tangible benefits to both the Union and its partners.</p>		<p>(4) Since it was launched, the European Neighbourhood Policy has <del>significantly</del> strengthened relations with partner countries and brought tangible benefits to both the Union and its partners, <i>including the launch of regional initiatives and support to democratisation in the region. However, a number of major developments in the Neighbourhood have shown the</i></p>	<p>The recital has not yet been discussed.</p>

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		<i>need for a revised policy, based on enhanced support to partners committed to democratic reforms in line with the "more for more" principle, greater flexibility, mutual accountability, partnership with societies and a more tailor-made approach towards the individual partner countries.</i>	
		<i>(4a) The revised European Neighbourhood Policy was set out in 2011 following a comprehensive strategic review of the Policy. In order to achieve the objectives of the Policy, it is necessary to establish strong and clear links between the Policy framework and the support to be provided under the instrument established by this Regulation.</i>	The new recital suggested by EP has not yet been discussed.
(5) Under the European Neighbourhood Policy, the Union offers Neighbourhood countries a privileged relationship, building upon a mutual commitment to and promotion of the values of democracy and human rights, the rule of law, good governance and	(5) Under the European Neighbourhood Policy, the Union offers Neighbourhood countries a privileged relationship, building upon a mutual commitment to and promotion of the values of democracy and human rights, the rule of law, good governance and		24/01/13: with a view to find a compromise on art. 2.2 (c), COM put forward the following proposal:  "it [the European Neighbourhood Policy] further provides, where appropriate, a framework for enhanced mobility and people-to-

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the principles of market economy and sustainable development.	the principles of market economy, and sustainable <b>and inclusive</b> development.		people contacts, particularly through visa facilitation and readmission agreements, and, on case-by-case basis, visa liberalisation agreements, <b>in line with the Global Approach to Migration and Mobility;</b>  The Council and EP undertook to reflect on the COM proposal, in conjunction with the new COM proposal on art. 2.2 (c).
		<i>(5a) In order to enhance the implementation of the "more for more" principle, an adequate part of the overall allocation under this Regulation should be set aside as incentives to provide enhanced support to partner countries committed to and demonstrating progress in building or consolidating deep and sustainable democracy and implementation of agreed reform objectives.</i>	The new recital suggested by EP has not yet been discussed.
(6) Two main political initiatives have shaped the regional cooperation in the European Union's Neighbourhood: the Eastern Partnership between the	(6) <del>Two main</del> <b>The ENI supports the implementation of</b> political initiatives <del>that have shaped the regional cooperation in</del> <b>contributed to shape</b> the European	(6) Two main political initiatives have shaped the regional cooperation in the European Union's Neighbourhood: the Eastern Partnership between the	The recital has not yet been discussed.

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<p>Union and its Eastern neighbours, and the Union for the Mediterranean between the Union and its Southern Mediterranean neighbours. These initiatives are meaningful political frameworks for deepening relations with and among partner countries, based on principles of shared ownership and responsibility.</p>	<p><del>Union's</del> Neighbourhood <b>Policy</b>: the Eastern Partnership between the Union and its Eastern neighbours, <b>the Partnership for Democracy and Shared Prosperity</b> and the Union for the Mediterranean <del>between in the Union and its Southern Mediterranean neighbours</del> <b>Neighbourhood</b>. These initiatives are meaningful political frameworks for deepening relations with and among partner countries, based on principles of shared ownership and responsibility.</p>	<p>Union and its Eastern neighbours, and the Union for the Mediterranean <del>between the Union and its Southern Mediterranean neighbours</del> <b>in the Southern Neighbourhood</b>. These initiatives <b><i>should both be treated in the same way, because they</i></b> are meaningful political frameworks for deepening relations with and among partner countries, based on principles of <b><i>mutual accountability</i></b>, shared ownership and responsibility.</p>	
<p>(7) A number of major developments have taken place since the European Neighbourhood Policy was launched and the European Neighbourhood and Partnership Instrument was set up. These include a deepening of the relationship with the partners, the launch of regional initiatives and democratic transition processes in the region. This triggered a new European Neighbourhood Policy vision set out in 2011 as a result of a comprehensive Strategic Review of the Policy. It outlines key</p>		<p><i>deleted</i></p>	<p>The recital has not yet been discussed. EP proposes to delete the COM original wording.</p>



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objectives for Union cooperation with Neighbourhood countries and provides for greater support to partners committed to building democratic societies and undertaking reforms, in line with the 'more for more' and 'mutual accountability' principles.			
		<i>(7a) In order to achieve the objectives of the European Neighbourhood Policy, it is necessary to ensure a fair balance between the Eastern and Southern dimensions of the Policy, while securing an adequate degree of flexibility.</i>	The new recital suggested by EP has not yet been discussed.
		<i>(7b) While European Neighbourhood and Partnership Instrument contributed to the strengthening of the Union's relations with partner countries, it only showed limited consistency with ENP policy objectives, had a mixed record in effectiveness, and failed to involve regional and local authorities and civil society actors in all stages of the assistance cycle.</i>	The new recital suggested by EP has not yet been discussed.

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		<i>(7c) Democracy and human rights have been placed at the forefront of the Union's relations with the partner countries and to that end new structures, such as the European Endowment for Democracy (EED), are being established. The EED should be complementary, have added value and be coherent with the instrument established under this Regulation and duplication should be avoided. It should increase the capacity to react rapidly and consistently to developments in the field of democracy and the rule of law.</i>	The new recital suggested by EP has not yet been discussed.
		<i>(7d) The objective of partnership with societies should also be reflected in this instrument and translated into an involvement of civil society organisations as well as regional and local authorities in all stages of the assistance cycle; in addition, this instrument should support the strengthening of the capacity of civil society organisations to scrutinise public policies and be full actors in</i>	The new recital suggested by EP has not yet been discussed.

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		<i>democratisation processes.</i>	
	(8) The ENI supports also the implementation of regional cooperation e.g. in the framework of the Northern Dimension or the Black Sea Synergy, as well as the external aspects of macro-regional strategies.		<p>24/01/13: provisional agreement on the paragraph, apart from the reference to macro-regional strategies which remains in brackets:</p> <p><b>This instrument also supports the implementation of regional cooperation, inter alia in the framework of the Northern Dimension policy or the Black Sea Synergy</b>[, as well as the external aspects of macro-regional strategies].</p> <p>The Council disagreed with the COM and EP position that the bracketed reference should be amended only to apply to CBC. In EP's view, if such a reference to macro-regional strategies would be made in ENI, similar language should also be introduced to IPA.</p>
	(9) This Regulation acknowledges the specific status of the Russian Federation as both a Union neighbour and a strategic partner		24/01/2013: provisional agreement on the following text (subject to confirmation in the framework of the discussion on the Preamble):

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	in the region.		<b>This Regulation acknowledges the specific status of the Russian Federation as both a Union neighbour and a strategic partner in the region.</b>
	(10) ...		The recital has not yet been discussed.
(8) Support under this Instrument and the European Regional Development Fund should be provided for the Cross-Border Cooperation programmes along the external borders of the European Union between partner countries and Member States to promote integrated and sustainable regional development between neighbouring border regions and harmonious territorial integration across the Union and with neighbouring countries.	(8 <b>11</b> ) Support under <b>both</b> this Instrument and the European Regional Development Fund should be provided for the Cross-Border Cooperation programmes <del>along the external borders of the European Union</del> between partner countries/ <b>or the Russian Federation on the one hand and Member States on the other hand along the external borders of the European Union</b> to promote integrated and sustainable regional development between neighbouring border regions and harmonious territorial integration across the Union and with neighbouring countries. <b>To secure efficient implementation of Cross-Border Cooperation it is important to harmonise procedures with the European</b>	(8) Support under this Instrument and the European Regional Development Fund should be provided for the Cross-Border Cooperation programmes along the external borders of the European Union between partner countries and Member States to promote integrated and sustainable regional development <i>and cooperation</i> between neighbouring border regions and harmonious territorial integration across the Union and with neighbouring countries.	24/01/13: partial provisional agreement on the following text (subject to confirmation in the framework of the discussion on the Preamble, and with the last sentence of PGA not being discussed yet):  <b>Support under both this Instrument and the European Regional Development Fund should be provided for the Cross-Border Cooperation programmes between on the one hand Member States and on the other hand partner countries and/or the Russian Federation (hereinafter "other Cross-Border Cooperation participating countries") along the external borders of the European Union to promote</b>

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	Territorial Cooperation, where applicable.		integrated and sustainable regional development and cooperation between neighbouring border regions and harmonious territorial integration across the Union and with neighbouring countries.
		<i>(8a) This instrument also supports the implementation of regional cooperation i.a. in the framework of the Northern Dimension policy or Black Sea synergy and external aspects of EU's macro-regional strategies.</i>	24/01/13: recital deleted since the issue is covered in recital 8 of PGA.
(9) Furthermore, it is important to foster and facilitate cooperation for the common benefit of Union and its partners, notably through pooling of contributions from internal and external instruments of the Union budget, in particular for Cross-Border Cooperation, infrastructure projects of Union interest that will pass through Neighbourhood countries and other areas of cooperation.	<del>(9) Furthermore, it is important to foster and facilitate cooperation for the common benefit of Union and its partners, notably through pooling of contributions from internal and external instruments of the Union budget, in particular for Cross-Border Cooperation, infrastructure projects of Union interest that will pass through Neighbourhood countries and other areas of cooperation.</del>	(9) Furthermore, it is important to foster and facilitate cooperation for the common benefit of Union and its partners, <b>and other participating countries</b> , notably through <b>the best and most effective coordination of resources provided and the</b> pooling of contributions from internal and external instruments of the Union budget, in particular for <b>the benefit of</b> Cross-Border Cooperation <b>regional co-operation projects, common</b> infrastructure projects of Union interest <b>that which</b> will pass	24/01/13: provisional agreement on the following text (subject to confirmation in the framework of the discussion on the Preamble):  <b>Furthermore, it is important to foster and facilitate cooperation for the common benefit of Union and its partners, and other participating countries, notably through the best and most effective coordination of resources provided and the pooling of contributions from</b>

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		through Neighbourhood <i>neighbouring</i> countries, <i>in particular those concerning energy production and transport</i> , and in other areas of cooperation	<b>internal and external instruments of the Union budget, in particular for the benefit of Cross-Border Cooperation and regional co-operation projects, infrastructure projects of Union interest involving neighbouring countries, and other areas of cooperation.</b>
		<i>(9a) Coherence should be maintained between support under the instrument established by this Regulation and the external dimension of the Union's internal policies.</i>	The new recital suggested by EP has not yet been discussed.
(10) Border regions that belong to countries of the European Economic Area (EEA) and the regions of the Russian Federation that are currently taking part in Cross-Border Cooperation programmes should be able to continue to do so. It is also important that the relevant regions in countries covered by the Instrument for Pre-accession Assistance are able to participate in CBC. Participation of the European Economic Area countries in the	<del>(10 12)</del> Border regions that belong to countries of the European Economic Area (EEA) and the <del>regions of the Russian Federation that are currently taking part in Cross-Border Cooperation programmes should be able to continue to do so. It is also important that the relevant regions in countries covered by the Instrument for Pre-accession Assistance are able to</del> <b>can also participate in CBC Cross-Border Cooperation.</b> Participation of the		24/01/13: provisional agreement on the following text (subject to confirmation in the framework of the discussion on the Preamble):  <b>Border regions that belong to countries of the European Economic Area (EEA) and the relevant regions in countries covered by the Instrument for Pre-accession Assistance can also participate in Cross-Border Cooperation. Participation of the European Economic Area</b>

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CBC programmes should continue to be based on their own resources.	European Economic Area countries in the <del>CBC</del> <b>Cross-Border Cooperation</b> programmes should continue to be based on their own resources.		<b>countries in the Cross-Border Cooperation programmes should continue to be based on their own resources.</b>
(11) It is expected that the EU Member States and Partner countries taking part in Cross Border Co-operation will provide national co-financing. This will strengthen country ownership, increase the financial resources at the disposal of the programmes and facilitate the participation of local actors.	<del>(11)</del> <b>(13)</b> It is expected that the EU Member States, <del>and</del> Partner countries <b>and the Russian Federation</b> taking part in Cross Border Co-operation will provide national co-financing. This will strengthen country ownership, increase the financial resources at the disposal of the programmes and facilitate the participation of local actors.	(11) It is expected that the <del>EU</del> Member States, <b>Partner</b> and <b>other participating Partner</b> countries taking part in Cross Border Co-operation <b>and in regional cooperation</b> will provide national co-financing. This will strengthen country ownership, increase the financial resources at the disposal of the programmes and facilitate the participation of local actors.	24/01/13: provisional agreement on the following text (subject to confirmation in the framework of the discussion on the Preamble):  <b>It is expected that the Member States, partner and other participating countries taking part in Cross-Border Cooperation and in regional cooperation will provide co-financing. This will strengthen country ownership, increase the financial resources at the disposal of the programmes and facilitate the participation of local actors.</b>
(12) Cross-Border Co-operation will contribute as appropriate to the implementation of existing and future macro-regional strategies.	<del>(12) Cross-Border Co-operation will contribute as appropriate to the implementation of existing and future macro-regional strategies</del>		24/01/13: recital deleted as a result of the outcome of the discussions on Art. 8.5.
		<b>(12a) For the purpose of harmonising the terminology used</b>	The new recital suggested by EP has not yet been discussed.

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		<i>in this Regulation with that of the European Territorial Co-operation, the implementation documents for the Cross-Border Cooperation programmes should be called joint operational programmes.</i>	
	<b>(14) It is important to foster and facilitate cooperation for the common benefit of the Union and its partners, notably through pooling of contributions from internal and external instruments of the Union budget, in particular for Cross-Border Cooperation, regional cooperation, infrastructure projects of Union interest that involve Neighbourhood countries and in other areas of cooperation.</b>		24/01/13: recital deleted since the issue is covered with recital 9 (COM and EP numbering).
(13) Support to be provided to neighbouring developing countries within the framework established by the European Neighbourhood Policy should be coherent with the objectives and principles of the Union's external policies and in particular its development policy,	<del>(13)</del> <b>(15)</b> Support to be provided to neighbouring developing countries within the framework established by the European Neighbourhood Policy should be coherent with the objectives and principles of the Union's external policies and in particular its development <b>and the</b>	(13) Support to be provided to neighbouring developing countries within the framework established by the European Neighbourhood Policy should be coherent with the objectives and principles of the Union's external policies, in particular <del>its</del> <b>with the Common</b>	The recital has not yet been discussed.



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including the 'Joint Statement on a European Development Policy: the European Consensus', adopted by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission, on 22 December 2005.	<b>Union's Common Foreign and Security Policy. Coherence with the external dimensions of Union's internal policies and instruments should also be ensured.</b> <del>policy, including the 'Joint Statement on a European Development Policy: the European Consensus', adopted by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission, on 22 December 2005.</del>	<i>Foreign and Security Policy, with strategies relevant to the Neighbourhood and with the Union's development policy; including the 'Joint Statement on a European Development Policy: the European Consensus', adopted by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission, on 22 December 2005.</i>	
		<i>(13a) The Union should seek the most efficient use of available resources in order to optimise the impact of its external action. This should be achieved through a comprehensive approach for each country based on complementarity, the creation of synergies and the mutual reinforcement of the programmes devised under this Regulation and the other external instruments of the Union.</i>	The new recital suggested by EP has not yet been discussed.

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		<i>(13b) In order to ensure the visibility of the Union's assistance towards the citizens of the partner countries and those of the Union, there should where appropriate be proper, targeted communication by adequate means. Appropriate minimum requirements should be defined in this regard by the Commission in close cooperation with beneficiaries, and respect of those requirements should be monitored.</i>	The new recital suggested by EP has not yet been discussed.
(14) The Joint EU – Africa Strategy is of relevance for relations with the Mediterranean neighbours from North Africa.		<i>deleted</i>	The recital has not yet been discussed. EP proposes to delete the COM original wording.
		<i>(14a) The European Neighbourhood Policy should enhance synergies with multilateral projects initiated through the Union for the Mediterranean.</i>	The new recital suggested by EP has not yet been discussed.
(15) The Union and its Member States should improve the coherence and the complementarity		(15) The Union and its Member States should improve the coherence, <del>and the effectiveness</del>	The recital has not yet been discussed.

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<p>of their respective policies on cooperation with neighbouring countries. To ensure that the Union's cooperation and that of the Member States complement and reinforce each other, it is appropriate to provide for joint programming which should be implemented whenever possible and relevant.</p>		<p><i>and</i> complementarity of their respective policies on cooperation with neighbouring countries. To ensure that the Union's cooperation and that of the Member States complement and reinforce each other, it is appropriate to provide for joint programming <i>coordinated by the Union, under the auspices of the HR/VP, and through the EU delegations, while cooperation and coordination with other international donors, international financial institutions</i> which should also be <i>ensured</i> implemented whenever possible and relevant.</p>	
<p>(16) Union support under this Regulation should in principle be aligned to corresponding national, regional or local strategies and measures of partner countries.</p>	<p><del>(16)</del> <b>(18)</b> Union support under this Regulation should in principle be aligned to corresponding national, regional or local strategies and measures of partner countries <b>and, in the case of multi-country and Cross-Border Cooperation programmes, where relevant, also to those of the Russian Federation.</b></p>		<p>24/01/13: provisional agreement on the following text (subject to confirmation in the framework of the discussion on the Preamble):</p> <p><b>Union support under this Regulation should in principle be aligned to corresponding national, regional or local strategies and measures of partner countries and, where relevant, also to those of the Russian Federation.</b></p>

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(17) In Neighbourhood countries where alignment to Union rules and standards is one of the key policy objectives, the Union is best placed to deliver this support. Certain specific support can only be provided at Union level.	(17 <b>19</b> ) In Neighbourhood countries where alignment to Union rules and standards is one of the key policy objectives, the Union is best placed to deliver this support. Certain specific support can only be provided at Union level. <b>EU Member States' transition experience can also contribute to the success of reforms in neighbouring countries and to promoting universal values in the region.</b>		The recital has not yet been discussed.
(18) Furthermore, since the objectives of this Regulation, namely to promote enhanced political cooperation and progressive economic integration between the European Union and neighbouring countries, cannot be sufficiently achieved by the Member States and can, by reason of the scale 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 of the Treaty. In accordance with the principle of	(18 <b>20</b> ) Furthermore, since the objectives of this Regulation, namely to promote enhanced political cooperation and progressive economic integration between the European Union and neighbouring countries, cannot be sufficiently achieved by the Member States and can, by reason of the scale 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 of the Treaty <b>on European Union.</b> In accordance	(18) Furthermore, since the objectives of this Regulation, namely to promote enhanced political cooperation <del>and</del> <b>based on deep democracy</b> , progressive economic integration between the European Union and neighbouring countries, <b>and strengthened partnership with societies</b> , cannot be sufficiently achieved by the Member States and can, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as	The recital has not yet been discussed.

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proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	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.	set out in Article 5 of the Treaty. 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.	
(19) European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support. The Commission must therefore seek the most efficient use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments.	<del>(19 21)</del> European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support. The Commission must therefore seek the most efficient use of available resources by using financial instruments with leverage effect. Such effect could be increased by enabling the use and re-use of funds invested and generated by financial instruments. <sup>1</sup>	<del>(19) European Union external support has increasing financing needs but the economic and budgetary situation of the Union limits the resources available for such support.</del> The Commission must therefore seek the most efficient use of available resources <b>and ensure best value for money</b> by using financial instruments with leverage effect, <b>but without compromising the just and fair use of the Union's resources</b> . Such effect <del>could</del> <b>may</b> be increased by <del>enabling</del> the use and re-use of funds invested and generated by financial instruments. <b>Cooperation with public financial institutions in accessing Union funds shall aim to ensure Union visibility and support to Union policies and standards, maximising the blending of grants</b>	The recital has not yet been discussed.

<sup>1</sup> Due to the ongoing negotiations on the revision of the Financial Regulation, Recital 21 is excluded from the partial general approach.

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		<i>and loans in favour of Union policy objectives and ensuring that the use of Union funds always complies with the best practices and rules as stipulated in the Financial Regulation and the Common Implementing Regulation.</i>	
(20) Fighting climate change is one of the great challenges which the Union faces and urgent international action is needed. In accordance with the intent stated in the Commission June 2011 MFF Communication of increasing the climate related proportion of the Union budget to at least 20%, this Regulation should contribute to that goal.			The recital has not yet been discussed.
		<i>(20a) A stable framework of cooperation with neighbouring countries in the area of energy and resources, consistent with the Union's internal market rules, contributes to enhancing the Union's security in that area.</i>	The new recital suggested by EP has not yet been discussed.
		<i>(20b) ENP is a unique platform</i>	The new recital suggested by EP

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		<i>and opportunity for strengthening cooperation in the area of higher education, youth and student exchange between the Union and its neighbours and building networks enhancing the capacity of NGOs in the field of youth in Europe and the European Neighbourhood Policy countries, which should all of them be continued in the new Instrument under this Regulation.</i>	has not yet been discussed.
(21) Gender equality and anti-discrimination should be a cross-cutting objective in all actions undertaken under this Regulation.	<del>(21)</del> <b>(23)</b> Gender equality, <b>the rights of persons belonging to minorities</b> and anti-discrimination <del>should be a</del> <b>are</b> cross-cutting objectives in all actions undertaken under this Regulation.	(21) Gender equality and <del>anti-discrimination</del> <b>fight against all forms of discrimination and inequalities</b> should be a cross-cutting objective in all actions undertaken under this Regulation	The recital has not yet been discussed.
(22) The Union is committed to promote in relations with its partners worldwide decent work as well as ratification and effective implementation of the internationally recognised labour standards and multilateral environment agreements, in relations with its partners worldwide.	<del>(22)</del> <b>(24)</b> The Union is committed to promote <del>in relations with its partners worldwide</del> decent work as well as ratification and effective implementation of the internationally recognised labour standards and multilateral environment agreements, in relations with its partners worldwide.	(22) The Union is committed to promote in relations with its partners worldwide decent work, as well as ratification and effective implementation of the internationally recognised labour standards <b>from abusive working conditions including those eradicating illegal child labour,</b> and as well as multilateral	The recital has not yet been discussed.

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		environment agreements, in <del>relations with its partners</del> <del>worldwide</del> . <i>The Union should also promote through this instrument a sustainable industry policy, corporate social responsibility, environmentally responsible business and policies that support SMEs, tackle labour market issues and develop social policies.</i>	
(23) The financial interests of the European Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties. These measures will be carried out in accordance with the applicable agreements concluded with international organisations and third countries.	(23 <del>25</del> ) The financial interests of the <del>European</del> Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties. These measures <del>will</del> <b>should</b> be carried out in accordance with the applicable agreements concluded with international organisations and third countries.		The recital has not yet been discussed.
(24) For the purpose of harmonising the terminology with the European Territorial Co-		<i>deleted</i>	The recital has not yet been discussed. EP proposes to delete the COM original wording.



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operation, the implementation documents for the Cross-Border Cooperation programmes should be called joint operational programmes.			
(25) In order for this Regulation to be able to reflect swiftly the results of political decisions made by the Council, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for updating the list of beneficiary countries in the Annex to this Regulation.	<del>(25) In order for this Regulation to be able to reflect swiftly the results of political decisions made by the Council, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for updating the list of beneficiary countries in the Annex to this Regulation.</del>	<i>deleted</i>	The recital has not yet been discussed. EP and Council propose to delete the COM original wording.
(26) While Regulation (EU) No .../... of the European Parliament and of the Council of .... (hereinafter "the Common Implementing Regulation") establishes common rules and procedures for the implementation of the Union's instruments for external action, delegated powers to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union	<del>(26) While Regulation (EU) No .../... of the European Parliament and of the Council of .... (hereinafter "the Common Implementing Regulation") establishes common rules and procedures for the implementation of the Union's instruments for external action, delegated powers to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union</del>	(26) While Regulation (EU) No .../... of the European Parliament and of the Council of .... (hereinafter <i>referred to as</i> "the Common Implementing Regulation") establishes common rules and procedures for the implementation of the Union's instruments for external action, delegated powers to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the	The recital has not yet been discussed.

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<p>should be conferred to the Commission for adopting the specific implementing measures required for the Cross-Border Cooperation mechanisms established in Title III of this Regulation. It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should further ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</p>	<p><del>should be conferred to the Commission for adopting the specific implementing measures required for the Cross-Border Cooperation mechanisms established in Title III of this Regulation. It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should further ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</del></p>	<p>European Union should be conferred to the Commission for <b><i>updating the list of beneficiary countries set out in the Annex to this Regulation, for</i></b> adopting the specific implementing measures required for the Cross-Border Cooperation mechanisms established in Title III of this Regulation, <b><i>and for adopting strategic programming documents defining objectives, priorities, expected results and financial allocations in broad terms.</i></b> It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should further ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and <b><i>to the</i></b> Council.</p>	
<p>(27) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the</p>		<p>(27) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the</p>	<p>The recital has not yet been discussed.</p>

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Commission.		Commission. <i>Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning the mechanisms of control by Member States of the Commission's exercise of implementing powers<sup>2</sup>, and with the Common Implementing Regulation.</i>	
(28) The implementing powers relating to Article 7(1) , (2), and (3) and to Article 9(1) should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers . Taking into account the nature of those implementing acts, in particular their policy orientation nature or their financial implications, the	(28) The implementing powers relating to Article 7(1) , (2) , (3) , and (4) , and to Article 9(1) <b>and to Article 12(1)</b> should be exercised in accordance Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers . Taking into account the nature of those implementing acts, in particular their policy orientation nature or	<i>deleted</i>	The recital has not yet been discussed. EP proposes to delete the COM original wording.

<sup>2</sup> OJ L 55, 28.2.2011, p. 13.

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examination procedure should in principle be used for their adoption, except for measures of a small financial scale.	their financial implications, the examination procedure should in principle be used for their adoption, except for measures of a small financial scale.		
(29) The organisation and functioning of the European External Action Service are described in Council Decision 2010/427/EU.			The recital has not yet been discussed.
	<b>(30) Given the objectives and scope of the assistance provided under this Regulation, the European Economic and Social Committee and the Committee of the Regions have been consulted before its adoption.</b>		The new recital suggested by Council has not yet been discussed.
HAVE ADOPTED THIS REGULATION:			

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<b>Title I. OBJECTIVES AND PRINCIPLES</b>			
<b>Article 1</b> <b>Overall objective and scope</b>			
1. The Union aims to establish an area of prosperity and good neighbourliness involving the European Union and the countries and territories listed in the Annex to this Regulation (hereinafter ‘the partner countries’) by developing a special relationship.	1. The Union aims to establish an area of <b>shared</b> prosperity and good neighbourliness involving the European Union and the countries and territories listed in the Annex to this Regulation (hereinafter ‘the partner countries’) by developing a special relationship <b>founded on cooperation, mutual accountability and shared commitment to universal values of democracy, rule of law and respect of human rights.</b>	<del>1. The Union aims to establish</del> <b><i>This Regulation establishes a European Neighbourhood Instrument with a view to supporting the achievement of the Union’s aim of establishing an area of democracy, respect for human rights and the rule of law, prosperity, peace, stability and good neighbourliness involving the European Union and the countries and territories listed in the Annex to this Regulation (hereinafter ‘the partner countries’) by developing a special relationship consistent with Articles 2, 3 (5), 6, 8 and 21 of the Treaty on European Union.</i></b>	06/12/12: provisional agreement on the following text:  <b>This Regulation establishes a European Neighbourhood Instrument with a view to advancing further towards an area of shared prosperity and good neighbourliness involving the Union and the countries and territories listed in the Annex to this Regulation (hereinafter ‘the partner countries’) by developing a special relationship founded on cooperation, peace and security, mutual accountability and shared commitment to universal values of democracy, the rule of law and respect for human rights in accordance with the Treaty on European Union.</b>
2. Union support under this Regulation shall be used for the	2. Union support under this Regulation shall be used for the	2. Union support under this Regulation shall be used for the	17/10/12: provisional agreement on the following text:

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benefit of partner countries and can also be used for the common benefit of EU and partner countries.	benefit of partner countries and <b>the regions involved in the Cross-Border Cooperation. It</b> can also be used for the common benefit of <del>EU</del> <b>the Union</b> and partner countries.	benefit of partner countries and <i>the regions involved in the Cross-Border Cooperation. It</i> can also be used for the common benefit of <del>EU</del> <i>the Union</i> and partner countries.	<b>Union support under this Regulation shall be used for the benefit of partner countries and the regions involved in the Cross-Border Cooperation. It can also be used for the common benefit of the Union and partner countries.</b>
3. Union funding may also be used for the purpose of enabling the Russian Federation to participate in Cross-Border Cooperation and in relevant multi-country programmes, to reflect the specific status of the Russian Federation as both a Union neighbour and a strategic partner in the region.	3. Union funding may also be used for the purpose of enabling the Russian Federation to participate in Cross-Border Cooperation and in <b>regional cooperation with EU participation and in</b> relevant multi-country programmes, <del>to reflect the specific status of the Russian Federation as both a Union neighbour and a strategic partner in the region</del> <b>including in cooperation on education.</b>	3. Union funding may also be used for the purpose of enabling the Russian Federation to participate in Cross-Border Cooperation and in relevant multi-country programmes <del>to reflect the specific status of the Russian Federation as both a Union neighbour and a strategic partner in the region</del> <b>for the common benefit of border regions including Russian regions, partner countries and the Union.</b>	24/01/13: provisional agreement on the following text, apart from the PGA reference to education which remains in brackets:  <b>Union funding may also be used for the purpose of enabling the Russian Federation to participate in Cross-Border Cooperation and in regional cooperation with EU participation and in relevant multi-country programmes</b> [, including in cooperation on education].  Commission submitted on 24/01/13 an overview of the plans for financing cooperation with the Russian Federation in the field of education, feeding into the discussion on the bracketed text in the next technical meeting.

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	<b>4. Union funding under this Regulation for the countries and territories listed in the Annex is limited to their respective territory as defined in accordance with international law.</b>		24/01/13: Council and EP will study the legal opinion submitted by Commission on 24/01/13 on the possible unintended consequences of the Council's text, after which the paragraph will be discussed in the technical meeting.
<b>Article 2 Specific objectives of Union's support</b>			
1. Support under this Regulation shall promote enhanced political cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, and jointly agreed action plans.	1. Support under this Regulation shall <del>promote</del> <b>focus on promoting</b> enhanced political cooperation and progressive economic integration between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, and jointly agreed action plans <b>or equivalent documents.</b>	1. Support under this Regulation shall promote enhanced political cooperation <b><i>based on deep democracy</i></b> , and progressive economic integration and <b><i>shall strengthen partnership with societies</i></b> between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements, <b><i>deep and comprehensive free trade agreements (DCFTAs)</i></b> or other existing and future agreements, and jointly agreed action plans <b><i>or equivalent documents.</i></b>	15/11/12: provisional agreement on the following text:  <b>Support under this Regulation shall focus on promoting enhanced political cooperation, deep and sustainable democracy, progressive economic integration and a strengthened partnership with societies between the Union and the partner countries and, in particular, the implementation of partnership and cooperation agreements, association agreements or other existing and future agreements, and jointly agreed action plans or equivalent documents.</b>
2. Union support should target in	2. Union support <del>should</del> <b>shall</b>	2. Union support should <del>target</del> <b>aim</b>	06/12/12:

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<p>particular:</p> <p>(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, promoting good governance and developing a thriving civil society including social partners;</p> <p>(b) achieving progressive integration into the Union internal market and enhanced sector and cross-sectoral co-operation including through legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments, notably in interconnections;</p> <p>(c) creating conditions for well managed mobility of people and promotion of people-to-people contacts;</p> <p>(d) sustainable and inclusive development in all aspects, poverty reduction, including through private-sector development; promotion of internal economic, social and territorial cohesion, rural development, climate action and</p>	<p>target in particular:</p> <p>(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality, establishing deep and sustainable democracy, promoting good governance and developing a thriving civil society including social partners;</p> <p>(b) achieving progressive integration into the Union internal market and enhanced sector and cross-sectoral co-operation including through legislative approximation and regulatory convergence towards Union and other relevant international standards <b>and improved market access including through deep and comprehensive free trade areas</b>, related institution building and investments, notably in interconnections;</p> <p>(c) creating conditions for well managed mobility of people and promotion of people-to-people contacts;</p> <p>(d) <b>smart</b>, sustainable and inclusive development in all aspects; poverty reduction, including through private-sector development;</p>	<p>in particular <i>at</i>:</p> <p>(a) promoting human <i>rights and their indivisibility</i>, minority rights and fundamental freedoms, the rule of law, principles of equality, <i>and fight against discrimination in all its forms; supporting the transition to and establishment of</i> establishing deep and sustainable democracy; promoting good governance, <i>transparency and fight against corruption; strengthening of capacities of local and regional authorities</i>; and developing a thriving civil society including social partners;</p> <p>(b) achieving progressive integration into the Union internal market <i>and increasing mutual market access (also through Deep and Comprehensive Free Trade Areas )</i> and enhanced sector and cross-sectoral co-operation including through legislative approximation and regulatory convergence towards Union and other relevant international standards, related institution building and investments, notably in interconnections;</p> <p><i>(ba) strengthening domestic</i></p>	<p>- provisional agreement to refer to the "indivisibility" of human rights in recitals and not in sub-paragraph (a);</p> <p>- the following part of the text is provisionally agreed:</p> <p><b>Union support shall target in particular:</b></p> <p><b>(a) promoting human rights and fundamental freedoms, the rule of law, principles of equality and fight against discrimination in all its forms, establishing deep and sustainable democracy, promoting good governance, fight against corruption, strengthening institutional capacity at all levels and developing a thriving civil society including social partners.</b></p> <p><b>(b) achieving progressive integration into the Union internal market and enhanced sector and cross-sectoral cooperation including through legislative approximation and regulatory convergence towards Union and other relevant international standards and improved market access including through deep and</b></p>



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<p>disaster resilience;</p> <p>(e) promoting confidence building and other measures contributing to security and the prevention and settlement of conflicts;</p> <p>(f) enhancing sub-regional, regional and Neighbourhood wide collaboration as well as Cross-Border Cooperation.</p>	<p>promotion of <b>capacity building in science, higher education, technology and innovation and of a Common Knowledge and Innovation Space</b>; promotion of internal economic, social and territorial cohesion; rural development; <b>environmental protection</b>, climate action and disaster resilience;</p> <p>(e) promoting confidence building and other measures contributing to security and the prevention and settlement of conflicts;</p> <p>(f) enhancing sub-regional, regional and Neighbourhood wide collaboration as well as Cross-Border Cooperation.</p>	<p><i>accountability and establishing an institutionalised consultation and monitoring mechanism with civil society organisations, environmental and social partners and other non-state actors;</i></p> <p>(c) creating conditions for well managed mobility of people and, <i>especially migration flows, facilitating visa delivery with a possibility of eventual visa liberalisation</i>, promotion of people-to-people contacts <i>in particular in cultural, educational, professional and sporting activities</i>;</p> <p>(d) <i>supporting</i> sustainable and inclusive <i>socio-economic</i> development <del>in all aspects, poverty reduction, including through,</del> <i>fostering</i> private-sector development, <i>reducing poverty, and social exclusion, promoting</i> <del>promotion of</del> internal economic, social and territorial cohesion, rural development, <i>public health, climate action and environmental protection as well as</i> <del>and</del> disaster resilience; <i>supporting job and wealth creation as well as innovation inter alia through support to SMEs, to R&amp;D projects</i></p>	<p>comprehensive free trade areas, related institution building and investments, notably in interconnections;</p> <p>(d) supporting smart, sustainable and inclusive development in all aspects; poverty reduction, including through private-sector development and reduction of social exclusion; promotion of capacity building in science, education and in particular higher education, technology, research and innovation; promotion of internal economic, social and territorial cohesion; rural development; public health; environmental protection, climate action and disaster resilience;</p> <p>(e) promoting confidence building, good neighbourly relations and other measures contributing to security in all forms and the prevention and settlement of conflicts, including protracted conflicts;</p> <p>(f) enhancing sub-regional, regional and Neighbourhood wide collaboration as well as Cross-Border Cooperation."</p>

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		<p><i>and the promotion of renewable forms of energy;</i>  (e) promoting confidence building, <i>good neighbourly relations</i> and other measures contributing to security, <i>including energy security, as well as peace building,</i> and the prevention and settlement of conflicts <i>and frozen conflicts</i>;  (f) enhancing sub-regional, regional and Neighbourhood wide collaboration as well as Cross-Border Cooperation.</p>	<p>24/01/13: In order to find a compromise for sub-paragraph (c), COM put forward the following compromise proposal:</p> <p>"(c) creating conditions <del>inter alia</del> for the better organisation of legal migration and the fostering of well managed mobility of people, for the [adoption and] implementation of readmission and visa facilitation agreements and other relevant agreements <del>in line with the Global Approach to Migration and Mobility</del>, and for promotion of people-to-people contacts, in particular in relation to cultural, educational, professional and sporting activities."</p> <p>The Council and EP undertook to reflect on the COM proposal, in conjunction with the new COM proposal on recital 5. EP underlined that they would wish to keep the reference to the adoption of the relevant agreements.</p>
3.The achievement of these objectives shall be measured using notably the relevant EU periodic reports on the implementation of	3.The achievement of these <b>priority</b> objectives shall be measured using notably the relevant <b>EU Union</b> periodic reports on the	3. The achievement of these <b>specific</b> objectives shall be measured using <del>notably the relevant EU periodic reports on the</del>	15/11/12: paragraph to be addressed after the issue of performance indicators has been addressed in the horizontal trilogue.

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<p>the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the EU regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, level of corruption, trade flows, indicators enabling measuring internal economic disparities, including employment levels.</p>	<p>implementation of the policy, and for paragraphs 2(a), (d) and (e), the relevant indicators established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the <b>extent of the</b> uptake of the <b>EU Union</b> regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, <b>cooperation on justice, freedom and security issues</b>, level of corruption, trade flows, <b>gender equality and</b> indicators enabling measuring internal economic disparities, including employment levels.</p>	<p><del>implementation of the policy, and for paragraphs 2(a), (d) and (e),</del> <b><i>predefined, clear, transparent and measurable indicators, while avoiding the creation of any unnecessary additional administrative burdens. The list of those</i></b> <del>the relevant indicators shall be established by international organisations and other relevant bodies; for paragraphs 2(b), (c) and (d) the uptake of the EU regulatory framework by the partner countries as relevant; for paragraphs 2(c) and (f), the number of relevant agreements and cooperation actions. The indicators will include, among others, adequately monitored democratic elections, level of corruption, trade flows, indicators enabling measuring internal economic disparities, including employment levels</del> <b><i>the Commission and communicated to the European Council and the European Parliament within one year after entering into force of the Regulation.</i></b></p>	
<p>4. Union support may also be used in other areas when this is</p>		<p>4. <b><i>In duly justified cases</i></b>, Union support may also be used in other</p>	<p>15/11/12: provisional agreement on the following text:</p>

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consistent with the overall objectives of the European Neighbourhood Policy.		<i>relevant</i> areas when this is consistent with the overall objectives of the European Neighbourhood Policy.	<b>Union support may also be used in other relevant areas when this is consistent with the overall objectives of the European Neighbourhood Policy.</b>
		<i>4a. The European Neighbourhood Instrument shall also serve as an instrument for the establishment or enhancement of sufficient institutional and administrative capacity in order to ensure the correct utilisation of Union funds.</i>	15/11/12: the new paragraph suggested by EP has been deleted since it is already covered by the outcome on Art. 2.2 (a).
<b>Article 3 Policy framework</b>			
1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications, Council conclusions and European Parliament Resolutions as well as relevant conclusions of ministerial meetings with the partner countries shall constitute the overall policy framework for programming and implementing Union support under	1. The partnership and cooperation agreements, the association agreements and other existing or future agreements that establish a relationship with partner countries, corresponding Communications; <b>and</b> Council conclusions <del>and</del> <b>European Parliament Resolutions</b> as well as relevant <b>summit declarations or</b> conclusions of ministerial meetings with the partner countries <b>of the European Neighbourhood Policy including</b>	1. The partnership and cooperation agreements, the association agreements, <i>deep and comprehensive free trade agreements (DCFTAs)</i> and other existing or future agreements that establish a relationship with partner countries, corresponding Communications <i>and Country Reports</i> , Council conclusions and European Parliament Resolutions as well as relevant <i>documents such as summit declarations or</i> conclusions	24/01/13: The entire paragraph remains in brackets because of the disagreement on the inclusion of the reference to EP Resolutions. The Council underlined the horizontal nature of the issue and undertook to put forward a proposal for a sub-paragraph referring to EP Resolutions. EP did not agree with the horizontal implications and emphasized that the reference to EP resolutions would need to be on the same grounds as to the other

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this Regulation.	<b>in the context of the Eastern Partnership and the Union for the Mediterranean, shall, while respecting the principle of ownership,</b> constitute the overall policy framework for programming and implementing Union support under this Regulation.	of ministerial <i>or interparliamentary</i> meetings with the partner countries <i>as well as relevant regional cooperation policy documents</i> shall constitute the overall policy framework for programming and implementing Union support under this Regulation.	documents in the paragraph.
2. Jointly agreed action plans or other equivalent documents between the partner countries and the Union shall provide the key point of reference for setting the priorities for Union support.	2. Jointly agreed action plans or other equivalent documents <b>such as the association agendas</b> between the partner countries and the Union, <b>including as relevant within the Eastern Partnership and the Southern dimension of the European Neighbourhood Policy,</b> shall provide the key point of reference for setting the priorities for Union support <b>and for the assessment of progress outlined in Art 2(3).</b>	2. <del>Jointly agreed</del> Action plans or other equivalent <b>jointly agreed</b> documents between the partner countries and the Union <b>in bilateral or multilateral formats</b> shall provide the key point of reference for setting the priorities for Union support.	15/11/12: paragraph provisionally agreed as follows (except for bracketed text):  <b>Action plans or other equivalent jointly agreed documents such as the association agendas between the partner countries and the Union in bilateral and multilateral formats, including as relevant within the Eastern Partnership and the Southern dimension of the European Neighbourhood Policy, shall provide the key point of reference for setting the priorities for Union support</b> [and for the assessment of progress outlined in Art 2(3).]  The bracketed text referring to Art

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			2.3. will be addressed together with Art. 2.3 after horizontal trilogue has reached agreement on performance indicators.
3. Where no agreements, as mentioned in paragraph 1, between the Union and partner countries exist, Union support may be provided when it proves useful to pursue Union policy objectives, and shall be programmed on the basis of such objectives taking into account the needs of the country concerned.		3. Where no agreements, as mentioned in paragraph 1, between the Union and partner countries exist, Union support may be provided when it proves useful to pursue Union policy objectives, and shall be programmed on the basis of such objectives taking into account the needs, <i>commitment to reforms and performance</i> of the country concerned.	15/11/12: provisional agreement on the following text:  <b>Where no agreements, as mentioned in paragraph 1, between the Union and partner countries exist, Union support may be provided when it proves useful to pursue Union policy objectives, and shall be programmed on the basis of such objectives taking into account the needs of the country concerned.</b>
		<i>3a. Cooperation with Russian Federation is based on its status as the Union neighbour and strategic partnership. The Northern Dimension policy documents and other relevant documents provide the political framework for regional and Cross-border cooperation with Russia. Black Sea Synergy is based on the Joint Statement of the Ministers of Foreign Affairs of the countries of the European Union and of the</i>	24/01/13: amendment withdrawn since the relevant issues are covered in recital 9 of PGA and article 6.1 (b).

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		<i>wider Black Sea area.</i>	
<b>Article 4</b> <b>Differentiation, partnership and co-financing</b>			24/01/13: the concept of "more for more" as reflected in Articles 4 and 7 will be addressed in the next technical meeting.
<p>1. Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.</p>	<p>1. Union support provided under <b>Article 6(1) (a) of this Regulation</b> to each partner country shall be differentiated in form and amounts <del>according to the</del> <b>and reflect</b> partner country's <del>commitment to reforms</del> <b>and its progress in implementing these reforms.</b> Such differentiation <del>shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities,:</del></p> <ul style="list-style-type: none"> <li>- <b>needs, using indicators such as population and level of development;</b></li> <li>- <b>commitment to and progress in implementing agreed political, economic and social reform objectives;</b></li> <li>- <b>commitment to and progress in building deep and sustainable democracy;</b></li> </ul>	<p>1. Union support provided <del>under this Regulation</del> to each partner country <i><b>under point (a) of Article 6(1) of this Regulation</b></i> shall be <i><b>incentive-based and</b></i> differentiated in form and amounts according to <i><b>the commitment to democratic reforms, the needs and the absorption capacities of</b></i> the partner country's <del>commitment to reforms</del> and its progress in implementing these reforms <i><b>concerned and the potential impact of the Union support.</b></i> Such differentiation shall <i><b>be in line with the principle of mutual accountability and shall</b></i> reflect the level of ambition of the country's <i><b>to develop its</b></i> partnership with the Union, <del>its progress in building deep and sustainable democracy, its progress in implementing</del> <i><b>and to achieve commonly</b></i> agreed reform objectives, <del>the country's needs and capacities, and the potential impact</del></p>	

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	<p>- partnership with the EU, including its level of ambition; - absorption capacity and the potential impact of Union EU support.</p> <p>This support will be reflected in the multi-annual programming documents specified in Article 7.</p>	<p>of Union support.</p> <p><i>This support will be reflected in the multi-annual programming documents specified in Article 7.</i></p>	
	<p>2. Following the adoption of the programming documents specified in Article 7 and without prejudice to the other elements outlined in Article 4(1), including partners' needs, the share of available resources offered to partner countries will be adapted according to their progress in building deep and sustainable democracy and in implementing agreed reform objectives. Support may be reconsidered, also taking into account Article 15, in the event of serious or persistent regression in these areas. This incentive-driven approach will not apply to support to civil society, people-to-people contacts, including cooperation among local</p>	<p><i>1a. Support in form and amounts according to 'more for more' principle will be made available to the partner country committed to and demonstrating progress in:</i></p> <ul style="list-style-type: none"> <li><i>- undertaking significant reforms aimed at building or consolidating democracy;</i></li> <li><i>- undertaking significant political, economic and social reforms and implementing agreed reform objectives.</i></li> </ul>	



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	authorities, support for the improvement of human rights, or crisis-related support measures.		
	<b>3. Implementation of the incentive-driven approach under this Regulation will be the subject of regular exchanges of views among the EEAS, the Commission and the Member States in the Committee referred to in Article 13 and in the Council.</b>	<i>(1b) The annual progress reports on each partner country published by the Commission shall assess the progress referred to in paragraph 1a outlining trends compared to the previous years On the basis of this assessment, Commission shall recommend possible revision or continuation of the support.</i>	
2. Union support under this Regulation shall, in principle, be established in partnership with the beneficiaries. The partnership shall involve as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners and other non-state actors in preparing, implementing and monitoring Union support.		2. Union support under this Regulation shall, <del>in principle,</del> be established in partnership with the beneficiaries. The partnership shall, <b><i>in a transparent and verifiable way and through an institutionalised mechanism,</i></b> involve <del>the following as appropriate, national, regional and local authorities, other stakeholders, civil society, social partners and other non-state actors</del> in preparing, implementing, <del>and monitoring</del> <b><i>and evaluating</i></b> Union support: <b><i>(i) national, regional and local authorities;</i></b> <b><i>(ii) civil society organisations;</i></b> <b><i>(iii) social partners;</i></b>	

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		<p><i>(iv) other non-state actors.</i></p> <p><i>In the framework of this partnership, a genuine, timely and thorough consultation, dialogue and information flow with these actors shall be ensured. The Commission, and in particular the Union's delegations in partner countries, shall ensure that appropriate steps are taken to enhance the capacities of civil society organisations and other stakeholders to play a meaningful part in that process and to guarantee an effective domestic accountability and local ownership.</i></p>	
<p>3. Union support under this Regulation shall in principle be co-financed by the partner countries through public funds, contributions from the beneficiaries or other sources. The same principle shall be applicable to the cooperation with the Russian Federation, particularly with regard to programmes referred to in Article 6(1) (c). Co-financing requirements may be waived in duly justified cases and when this is</p>	<p>3 <b>5.</b> Union support under this Regulation shall in principle be co-financed by the partner <b>and other participating</b> countries through public funds, contributions from the beneficiaries or other sources. The same principle shall be applicable to the cooperation with the Russian Federation, particularly with regard to programmes referred to in Article 6(1) <b>(b) and</b> (c). Co-financing requirements may be</p>	<p>3. Union support under this Regulation shall in principle be co-financed by the partner <b>and other participating</b> countries through public funds, contributions from the beneficiaries or other sources. The same principle shall be applicable to the cooperation with the Russian Federation, particularly with regard to programmes referred to in <del>Article 6(1) (e)</del> <b>points (b) and (c) of Article 6(1)</b>. Co-financing requirements <b>shall</b></p>	

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necessary to support the development of civil society and non-state actors, without prejudice to compliance with the other conditions set out in the Financial Regulation.	waived in duly justified cases and when this is necessary to support the development of civil society and non-state actors, without prejudice to compliance with the other conditions set out in the Financial Regulation.	<del>may be waived in duly justified cases and</del> when this is necessary to support the development of civil society and non-state actors, <i>especially small-scale civil society organisations</i> , without prejudice to compliance with the other conditions set out in the Financial Regulation.	
<b>Article 5 Coherence and Donor Coordination</b>			
1. In implementing this Regulation, coherence shall be ensured with other areas of the Union external action as well as other relevant Union policies. To this end, measures financed under this Regulation, including those managed by the European Investment Bank (EIB), shall be based on the cooperation policy documents described in Article 3(1) and (2) as well as on the Union's specific interests, policy priorities and strategies. Such measures shall respect the commitments under multilateral agreements and international conventions to which the Union and partner countries are	1. In implementing this Regulation, coherence shall be ensured with <del>other</del> <b>all</b> areas of the Union external action as well as other relevant Union policies. To this end, measures financed under this Regulation, including those managed by the European Investment Bank (EIB), shall be based on the cooperation policy documents described in Article 3(1) and (2) as well as on the Union's specific interests, policy priorities and strategies. Such measures shall respect the commitments under multilateral agreements and international conventions to which the Union and partner countries are		15/11/12: provisional agreement on the following text:  <b>In implementing this Regulation, coherence shall be ensured with all areas of the Union external action as well as other relevant Union policies. To this end, measures financed under this Regulation, including those managed by the European Investment Bank (EIB), shall be based on the cooperation policy documents described in Article 3(1) and (2) as well as on the Union's specific interests, policy priorities and strategies. Such measures shall respect the</b>

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parties.	parties.		<b>commitments under multilateral agreements and international conventions to which the Union and partner countries are parties.</b>
2. The Commission, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States and the European Investment Bank.	2. The Commission, the <b>European External Action Service, the</b> Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States and the European Investment Bank.	2. The Commission, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States, <del>and the European Investment Bank</del> <b>the EIB and the EBRD.</b>	06/12/12: provisional agreement on the following text:  <b>The Union, the Member States and the European Investment Bank (EIB) shall ensure coherence between support provided under this Regulation and other support provided by the Union, the Member States and European financial institutions.</b>
3. The Union and the Member States shall coordinate their respective support programmes with the aim of increasing effectiveness and efficiency in the delivery of support and policy dialogue in line with the established principles for strengthening operational coordination in the field of external support, and for harmonising policies and procedures. Coordination shall involve regular consultations and		3. The Union and the Member States shall coordinate their respective support programmes with the aim of increasing effectiveness and efficiency in the delivery of support and policy dialogue <b>and preventing overlapping of funding</b> in line with the established principles for strengthening operational coordination in the field of external support, and for harmonising policies and procedures. Coordination shall involve regular	06/12/12: - provisional agreement on the following text:  <b>The Union and the Member States shall coordinate their respective support programmes with the aim of increasing effectiveness and efficiency in the delivery of support and policy dialogue and preventing overlapping of funding in line with the established principles for</b>

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frequent exchanges of relevant information during the different phases of the support cycle, in particular at field level, and may lead to joint programming, delegated co-operation and/or transfer arrangements.		consultations and frequent exchanges of relevant information during the different phases of the support cycle, in particular at field level, <del>and may lead to joint programming, delegated co-operation and/or transfer arrangements.</del> <i>Joint programming shall become a rule for the provision of assistance to all partner countries covered by this Regulation. The reports on the implementation of the instrument established by this Regulation shall contain a section on joint programming. Where no joint programming has been implemented, the reports shall set out the reasons for this and specify the alternative arrangements introduced to ensure a high level of coordination.</i>	<b>strengthening operational coordination in the field of external support, and for harmonising policies and procedures. Coordination shall involve regular consultations and frequent exchanges of relevant information during the different phases of the support cycle, in particular at field level. Joint programming shall be implemented whenever possible and relevant. When this can not be achieved, other arrangements, such as delegated cooperation and/or transfer arrangements, shall be considered to ensure the highest degree of coordination.</b>  - EP suggested to consider the reference to reporting, as proposed by EP, in the framework of the discussions on the CIR. Should this not be the case, it would be brought back to the ENI-level of discussion.
4. The Union shall, in liaison with the Member States, take the necessary steps to ensure proper coordination and cooperation with multilateral and regional	4. The Union shall, in liaison with the Member States, take the necessary steps, <b>including consultations at an early stage of the programming process</b> , to	4. The Union shall, in liaison with the Member States, take the necessary steps, <i>including consultations at an early stage of the programming process</i> , to	15/11/12: provisional agreement on the following text:  <b>The Union shall, in liaison with the Member States, take the</b>

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organisations and entities, including European financial institutions, international financial institutions, United Nations agencies, funds and programmes, private and political foundations and non-European Union donors.	ensure <b>complementarity</b> , proper coordination and cooperation with multilateral and regional organisations and entities, including European financial institutions, international financial institutions, United Nations agencies, funds and programmes, private and political foundations and non-European Union donors.	ensure <i>complementarity</i> , proper coordination and cooperation with multilateral and regional organisations and entities, including European financial institutions, international financial institutions, United Nations agencies, funds and programmes, private and political foundations and non-European Union donors.	<b>necessary steps, including consultations at an early stage of the programming process, to ensure complementarity, proper coordination and cooperation with multilateral and regional organisations and entities, including European financial institutions, international financial institutions, United Nations agencies, funds and programmes, private and political foundations and non-Union donors.</b>
		<i>4a. The documents referred to in Article 7(1) and (2) shall include detailed and up-to-date donor matrices and shall describe the steps to be taken to enhance donor coordination, in particular between the Union and Member States.</i>	06/12/12: parties agreed that the issue of donor matrices would be addressed in the course of discussions on Article 7.

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<b>Title II. INDICATIVE PROGRAMMING AND ALLOCATION OF FUNDS</b>			

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<b>Article 6</b> <b>Type of programmes</b>			
<p>1. Union support under this Regulation shall be programmed through:</p> <p>(a) bilateral programmes covering support to one partner country;</p> <p>(b) multi-country programmes which address challenges common to all or a number of partner countries, and regional and sub-regional cooperation between two or more partner countries, and which may include cooperation with the Russian Federation;</p> <p>(c) Cross-Border Cooperation programmes addressing cooperation between one or more Member States on the one hand and one or more partner countries and/or the Russian Federation on the other hand taking place along their shared part of the external border of the EU.</p>	<p>1. Union support under this Regulation shall be programmed through:</p> <p>(a) bilateral programmes covering support to one partner country;</p> <p>(b) multi-country programmes which address challenges common to all or a number of partner countries, <b>based on priorities of the Eastern Partnership and Southern Dimension of the European Neighbourhood Policy and taking into account the work carried out in the context of the Union for the Mediterranean</b>, and regional and sub-regional cooperation, <b>primarily</b> between two or more partner countries, <del>and which may include</del>. <b>This cooperation with may involve the Russian Federation in accordance with Article 1(3);</b></p> <p>(c) Cross-Border Cooperation programmes addressing cooperation between one or more Member States on the one hand and one or more partner countries and/or the</p>	<p>1. Union support under this Regulation shall be programmed through:</p> <p>(a) bilateral programmes covering support to one partner country;</p> <p>(b) multi-country programmes which address challenges common to all or a number of partner countries, <i>and based on priorities of the European Neighbourhood Policy</i>, or regional and sub-regional cooperation <del>between two or more partner countries</del>, and which may include cooperation with the Russian Federation;</p> <p>(c) Cross-Border Cooperation programmes addressing cooperation between one or more Member States on the one hand and one or more partner countries and/or the Russian Federation on the other hand taking place along their shared part of the external border of the EU.</p>	<p>24/01/13: provisional agreement on the following text:</p> <p><b>Union support under this Regulation shall be programmed through:</b></p> <p><b>(a) bilateral programmes covering support to one partner country;</b></p> <p><b>(b) multi-country programmes which address challenges common to all or a number of partner countries, based on priorities of the Eastern Partnership and Southern Dimension of the European Neighbourhood Policy and taking into account the work carried out in the context of the Union for the Mediterranean, and regional and sub-regional cooperation, primarily between two or more partner countries, including also in the framework of the Northern Dimension and Black Sea Synergy. This may involve the Russian Federation in accordance</b></p>

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	Russian Federation on the other hand taking place along their shared part of the external border of the <del>EU</del> Union.		<b>with Article 1(3); (c) Cross-Border Cooperation programmes addressing cooperation between one or more Member States on the one hand and one or more partner countries and/or the Russian Federation (hereinafter "other Cross-Border Cooperation participating countries") on the other hand taking place along their shared part of the external border of the Union.</b>
2. Union support under this Regulation shall be implemented in accordance with the Common Implementing Regulation.	2. Union support under this Regulation shall be implemented in accordance with the Common Implementing Regulation <b>and for the programmes referred to in the Article 6 (1) (c) also in accordance with the ENI Cross-Border Cooperation Implementing Rules<sup>3</sup>.</b>		06/12/12: the Council wishes to address this paragraph at a later stage as the Council has reserved its right to come back to the paragraph in its entirety once the Commission has tabled its proposal for the ENI Cross-Border Cooperation Implementing Rules.
<b>Article 7 Programming and indicative allocation of funds for country and multi country indicative</b>			24/01/13: the concept of "more for more" as reflected in Articles 4 and 7 will be addressed in the next technical meeting.

<sup>3</sup> Agreement on this paragraph is provisional and Member States reserve their right to come back to the text once the Commission has tabled its proposal for the ENI Cross-Border Cooperation Implementing Rules.



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programmes			
	<b>1. Financial allocations for country programmes shall be determined on the basis of criteria set out in Article 4(1).</b>	<b><i>-1. The documents referred to in this Article shall constitute strategic programming documents within the meaning of Article 2 of the Common Implementing Regulation and shall be adopted by means of delegated acts in accordance with the procedure laid down in Articles 13 and 14 of this Regulation.</i></b>	
1. For countries where the documents referred to in Article 3(2) exist, a comprehensive multi-annual Single Support Framework shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. The Single Support Framework shall review the progress made in relation to the policy framework and shall list priorities for Union support, mainly selected from those included in the documents referred to in Article 3(2) and in partner countries' strategies or plans, and for which the Union's regular	<b>± 2.</b> For countries where the documents referred to in Article 3(2) exist, a comprehensive multi-annual Single Support Framework shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. The Single Support Framework shall review the progress made in relation to the policy framework and shall list priorities for Union support, mainly selected from those included in the documents referred to in Article 3(2) and in partner countries' strategies or plans, and for which the Union's regular	1. For countries where the documents referred to in Article 3(2) exist, a comprehensive multi-annual Single Support Framework shall be adopted <b><i>by means of a delegated act</i></b> in accordance with <del>the examination procedure referred to in Article 15(3) of the Common Implementing Regulation</del> <b>Article 13</b> . The Single Support Framework shall <del>review the progress made in relation to the policy framework and shall list priorities for Union support, mainly selected from those included:</del> <b><i>(i) assess the achievement of previously agreed objectives as</i></b>	

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<p>assessment has shown the need for support. It shall also set out their indicative level of funding. The duration of the Single Support Framework shall correspond to the duration of the relevant document referred to in Article 3(2).</p>	<p>assessment has shown the need for support. It shall also set out their indicative level of funding.  <b>Financial allocations for each Single Support Framework will be given in the form of a range with a variance of not more than 20%.</b> The duration of the Single Support Framework shall correspond to the duration of the relevant document referred to in Article 3(2).</p>	<p><i>well as the state of play as regards the relations between the Union and the partner country, including that country's level of ambition for its partnership with the Union;</i></p> <p><i>(ii) set out the objectives and priorities of the assistance, mainly selected from those included in the documents referred to in Article 3(2) and in partner countries' strategies or plans where this is consistent with the overall policy framework, and for which the Union's regular assessment has shown the need for support;</i></p> <p><i>(iii) indicate expected results; and</i></p> <p><i>(iv) It shall also set out their the indicative level of funding broken down by priority.</i></p> <p>The duration of the Single Support Framework shall correspond to the duration of the relevant document referred to in Article 3(2).</p>	
<p>2. For countries where the documents referred to in Article 3(2) do not exist, a comprehensive programming document including a</p>	<p>2 3. For countries where the documents referred to in Article 3(2) do not exist, a comprehensive programming document including a</p>	<p>2. For countries where the documents referred to in Article 3(2) do not exist, a comprehensive programming document including a</p>	

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<p>Strategy and a Multi-annual indicative programme shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. It shall define a Union response strategy on the basis of an analysis of situation of the country concerned, and of its relations with the Union, the partner countries' strategies or plans, the priorities for Union support and the indicative level of funding broken down by priority. It shall have an appropriate multi-annual duration.</p>	<p>Strategy and a Multi-annual indicative programme shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. It shall define a Union response strategy on the basis of an analysis of the situation of the country concerned, and of its relations with the Union, the partner countries' <b>country's</b> strategies or plans, the priorities for Union support and the indicative level of funding broken down by priority. <b>Accompanying financial allocations will be given in the form of a range with a variance of not more than 20%. The programming document</b> shall have an appropriate multi-annual duration.</p>	<p>Strategy and a Multi-annual indicative programme shall be adopted <b>by means of a delegated act</b> in accordance with <del>the examination procedure referred to in Article 15(3) of the Common Implementing Regulation</del> <b>Article 13</b>. It shall:</p> <p>(i) define a Union response strategy on the basis of an analysis of <b>the</b> situation of the country concerned, <del>and</del> <b>and of</b> its relations with the Union, <b>and of</b> the partner countries' strategies or plans <b>where this is consistent with the overall policy framework;</b></p> <p>(ii) <b>set out the objectives and</b> the priorities for Union support <del>and of the assistance;</del></p> <p>(iii) <b>indicate expected results; and</b></p> <p>(iv) <b>set out</b> the indicative level of funding broken down by priority. It shall have an appropriate multi-annual duration.</p>	
<p>3. For multi-country programmes, a comprehensive programming</p>	<p><del>3</del><b>4</b>. For multi-country programmes, a comprehensive programming</p>	<p>3. For multi-country programmes, a comprehensive programming</p>	

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document including a Strategy and a Multi-annual indicative programme shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. It shall define the priorities for Union support towards the region or the sub-region and the indicative level of funding broken down by priority. It shall have an appropriate multi-annual duration.	document including a Strategy and a Multi-annual indicative programme shall be adopted in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. It shall define the priorities for Union support towards the region or the sub-region and the indicative level of funding broken down by priority. It shall have an appropriate multi-annual duration. <b>Financial allocations for multi-country programmes shall be determined on the basis of transparent and objective criteria.</b>	document including a Strategy and a Multi-annual indicative programme shall be adopted <i>by means of a delegated act</i> in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation <b>Article 13</b> . It shall:  (i) define the <i>objectives and</i> priorities for Union support towards the region or the sub-region, <i>reflecting where applicable the priorities decided upon within the framework of the Eastern Partnership or the Union for the Mediterranean;</i>  (ii) <i>indicate expected results;</i> and  (iii) <i>set out</i> the indicative level of funding broken down by priority. It shall have an appropriate multi-annual duration.	
4. The Single Support Framework documents referred to in paragraph 1 shall be reviewed when necessary and may be revised in accordance with the examination procedure	<del>4</del> <b>5.</b> The Single Support Framework documents referred to in paragraph <del>1</del> <b>2 of this Article</b> shall be reviewed when necessary, <b>including in the light of the relevant EU periodic</b>	4. The Single Support Framework documents referred to in paragraph 1 shall be reviewed when necessary and may be revised <i>by means of a delegated act</i> in accordance with	

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referred to in Article 15(3) of the Common Implementing Regulation. The programming documents referred to in paragraphs 2 and 3 shall be reviewed at their mid-term or whenever necessary and may be revised in accordance with the same procedure.	<b>reports and taking account of the work of the joint bodies established under the agreements with partner countries</b> , and may be revised in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. The programming documents referred to in paragraphs <del>2 3</del> and <del>3 4</del> <b>of this Article</b> shall be reviewed at their mid-term or whenever necessary and may be revised in accordance with the same procedure.	<del>the examination procedure referred to in Article 15(3) of the Common Implementing Regulation</del> <b>Article 13</b> . The programming documents referred to in paragraphs 2 and 3 shall be reviewed at their mid-term or whenever necessary and may be revised in accordance with the same procedure.	
5. Financial allocations for country and multi-country programmes shall be determined using transparent and objective criteria reflecting the differentiation principle referred to in Article 4(1).	<del>5. Financial allocations for country and multi-country programmes shall be determined using transparent and objective criteria reflecting the differentiation principle referred to in Article 4(1).</del>	5. Financial allocations for country and multi-country programmes shall be determined using transparent and objective criteria, <b>clearly established and assessed,</b> and reflecting the differentiation principle referred to in Article 4(1).	
	<b>6. To facilitate the implementation of the incentive-driven approach referred to in Article 4(2), in the range of 10% of the ENI budget will be allocated to multi-country umbrella programmes that will supplement the country financial</b>		

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	allocations referred to in Articles 7(2) and 7(3). The relevant Commission decisions establishing these umbrella programmes will specify the countries that may receive allocations, with the actual allocations to be decided subsequently on the basis of progress towards deep and sustainable democracy and implementation of agreed reform objectives.		
6. When it is necessary to implement more effectively measures for the common benefit of the Union and partner countries, in areas such as transnational co-operation and inter-connections, funding under this Regulation can be pooled together with funding covered by other relevant Union Regulations establishing financial instruments. In this case, the Commission shall decide which single set of rules should apply to implementation.	6 7. When it is necessary to implement more effectively measures for the common benefit of the Union and partner countries, in areas such as transnational co-operation-cooperation and inter-connections, funding under this Regulation can be pooled together with funding covered by other relevant Union Regulations establishing financial instruments. In this case, the Commission shall decide which single set of rules should shall apply to implementation.		
7. Member States and other donors	7 8. Member States and other	7. Member States and other donors	

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that have committed to jointly programme their support with the EU shall be involved in the programming process. The programming documents may also cover their contribution as appropriate.	<del>donors that have committed to jointly programme their support with the EU</del> shall be involved in the programming process. <b>Those Member States and other donors that have committed to jointly programme their support with the EU shall be particularly closely involved.</b> The programming documents may also cover their contribution as appropriate.	that have committed to jointly programme their support with the EU shall be involved in the programming process. The programming documents may also cover their contribution as appropriate. <i><b>The European Parliament and the Council shall be duly informed at all stages of the programming process, especially when Union budgetary spending is involved.</b></i>	
8. When Member States and other donors have committed to jointly programme their support, a joint multi-annual programming document may replace the Single Support Framework referred to in paragraph (1) and the programming documents referred to in paragraphs (2) and (3), on condition that it meets the requirements set out in these provisions.	<del>8 9. When</del> <b>Where</b> Member States and other donors have committed to jointly programme their support, a joint multi-annual programming document may replace the Single Support Framework referred to in paragraph (1 <del>2</del> ) and the programming documents referred to in paragraphs (2 <del>3</del> ) and (3 <del>4</del> ), on condition that it meets the requirements set out in these provisions.	8. When Member States and other donors have committed to jointly programme their support, a joint multi-annual programming document may replace the Single Support Framework referred to in paragraph (1) and the programming documents referred to in paragraphs (2) and (3), on condition that it meets the requirements set out in these provisions. <i><b>The parts of that document covering the Union budget shall be deemed to constitute strategic programming documents and shall be adopted by means of a delegated act in accordance with Article 13.</b></i>	

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<p>9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. Such emergency review shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their adoption.</p>	<p><del>9-10.</del> In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the programming documents may be conducted. Such emergency review shall ensure that coherence between Union <b>policies, Union</b> support provided under this Regulation and support provided under other Union financial instruments is maintained. An emergency review may lead to the adoption of revised programming documents. Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information <b>no later than</b> within one month of their adoption.</p>	<p>9. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an ad hoc review of the <i>strategic</i> programming documents may be conducted. Such emergency review <del>shall ensure that coherence between Union support provided under this Regulation and support provided under other Union financial instruments is maintained.</del> An emergency review may lead to the adoption of revised <i>strategic</i> programming documents <i>in accordance with the procedure referred to in Article 14(a)</i>. <del>Where this is the case, the Commission shall send the revised programming documents to the European Parliament and to the Council for information within one month of their adoption.</del></p>	



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Title III. CROSS-BORDER COOPERATION			
<b>Article 8</b> <b>Geographical eligibility</b>			
<p>1. The Cross-Border Cooperation programmes referred to in Article 6(1)(c) can be established:</p> <p>(a) for land borders, covering the territorial units corresponding to NUTS level 3 or equivalent along the land borders between Member States and partner countries, and/or the Russian Federation;</p> <p>(b) for maritime borders, covering the territorial units corresponding to NUTS level 3 or equivalent along maritime borders between Member States and partner countries and/or the Russian Federation, separated by a maximum of 150 km, without prejudice to potential adjustments needed to ensure the coherence and continuity of cooperation action;</p> <p>(c) around a sea basin, covering the coastal territorial units corresponding to NUTS level 2 or equivalent facing a sea basin common to Member States and</p>	<p>1. The Cross-Border Cooperation programmes referred to in Article 6(1)(c) can be established:</p> <p>(a) for land borders, covering the territorial units corresponding to <b>Nomenclature of territorial units for statistics</b> (NUTS) level 3 or equivalent along the land borders between Member States and partner countries, and/or the Russian Federation <b>without prejudice to potential adjustments and in line with the provisions of Article 9(4) needed to ensure the coherence and continuity of cooperation action</b>;</p> <p>(b) for maritime borders, covering the territorial units corresponding to NUTS level 3 or equivalent along maritime borders between Member States and partner countries and/or the Russian Federation, separated by a maximum of 150 km, without prejudice to potential adjustments</p>	<p>1. The Cross-Border Cooperation programmes referred to in Article 6(1)(c) can be established:</p> <p>(a) for land borders, covering the territorial units corresponding to NUTS level 3 or equivalent along the land borders between Member States and partner countries, and/or the Russian Federation, <i>without prejudice to potential adjustments needed to ensure the coherence and continuity of cooperation action</i>;</p> <p>(b) for maritime borders, covering the territorial units corresponding to NUTS level 3 or equivalent along maritime borders between Member States and partner countries and/or the Russian Federation, separated by a maximum of 150 km, without prejudice to potential adjustments needed to ensure the coherence and continuity of cooperation action;</p> <p>(c) around a sea basin, covering the</p>	<p>24/01/13: provisional agreement on the following text:</p> <p><b>The Cross-Border Cooperation programmes referred to in Article 6(1)(c) can be established:</b></p> <p><b>(a) for land borders, covering the territorial units corresponding to Nomenclature of territorial units for statistics (NUTS) level 3 or equivalent along the land borders between Member States and the other Cross-Border Cooperation participating countries without prejudice to potential adjustments needed to ensure the coherence and continuity of cooperation action, and in line with the provisions of Article 9(4);</b></p> <p><b>(b) for maritime borders, covering the territorial units corresponding to NUTS level 3 or equivalent along maritime</b></p>

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partner countries and/or the Russian Federation.	needed to ensure the coherence and continuity of cooperation action; (c) around a sea basin, covering the coastal territorial units corresponding to NUTS level 2 or equivalent facing a sea basin common to Member States and partner countries and/or the Russian Federation.	coastal territorial units corresponding to NUTS level 2 or equivalent facing a sea basin common to Member States and partner countries and/or the Russian Federation.	<b>borders between Member States and the other Cross-Border Cooperation participating countries, separated by a maximum of 150 km, without prejudice to potential adjustments needed to ensure the coherence and continuity of cooperation action;</b> (c) around a sea basin, covering the coastal territorial units corresponding to NUTS level 2 or equivalent facing a sea basin common to Member States and the other Cross-Border Cooperation participating countries.
2. In order to ensure the continuation of existing cooperation schemes and in other justified cases, territorial units adjoining to those referred to in paragraph 1 may be allowed to participate in Cross-Border Cooperation.	2. In order to ensure the continuation of existing cooperation schemes and in other justified cases, territorial units adjoining to those referred to in paragraph 1 may be allowed to participate in Cross-Border Cooperation. <b>The conditions under which adjoining regions may participate in cooperation will be laid down in the Joint Operational Programmes.</b>	2. In order to ensure the continuation of existing cooperation schemes and in other justified cases, territorial units adjoining to those referred to in paragraph 1 may be allowed to participate in Cross-Border Cooperation, <i>on condition that such participation contributes to the objectives laid down in the programming documents.</i>	24/01/13: provisional agreement on the following text:  <b>In order to ensure the continuation of existing cooperation schemes and in other justified cases, and with a view to contribute to the programme's objectives, territorial units adjoining to those referred to in paragraph 1 may be allowed to participate in Cross-Border Cooperation. The conditions</b>

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			under which adjoining regions may participate in cooperation will be laid down in the Joint Operational Programmes.
3. In duly justified cases, major social, economic or cultural centres that are not adjoining to eligible territorial units may be included on condition that such participation contributes to the objectives laid down in the programming document.	3. In duly justified cases, major social, economic or cultural centres <b>in the Member States, Partner countries or the Russian Federation</b> that are not adjoining to eligible territorial units may be included on condition that such participation contributes to the objectives laid down in the programming document. <b>The conditions under which such centres may participate in cooperation will be laid down in the Joint Operational Programmes.</b>		24/01/13: provisional agreement on the following text:  <b>In duly justified cases, major social, economic or cultural centres in the Member States or in other Cross-Border Cooperation participating countries that are not adjoining to eligible territorial units may be included on condition that such participation contributes to the objectives laid down in the programming document. The conditions under which such centres may participate in cooperation will be laid down in the Joint Operational Programmes.</b>
4. When programmes are established pursuant to paragraph 1(b), the European Commission may, in agreement with the partners, propose that the geographical eligibility be extended to the whole NUTS level 2	4. When programmes are established pursuant to paragraph 1(b), the European Commission may, in agreement with the <del>partners</del> <b>participants</b> , propose that the geographical eligibility be extended to the whole NUTS level 2		24/01/13: provisional agreement on the following text:  <b>When programmes are established pursuant to paragraph 1(b), the European Commission may, in agreement</b>

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territorial unit in whose area the NUTS level 3 territorial unit is located.	territorial unit in whose area the NUTS level 3 territorial unit is located.		<b>with the participants, propose that the geographical eligibility be extended to the whole NUTS level 2 territorial unit in whose area the NUTS level 3 territorial unit is located.</b>
	<b>5. Cross-Border Cooperation shall aim to be coherent with the objectives of existing and future macro-regional strategies.</b>		24/01/13: provisional agreement on the following text:  <b>Cross-Border Cooperation shall aim to be coherent with the objectives of existing and future macro-regional strategies.</b>
<b>Article 9 Programming and allocation of funds for Cross-Border Cooperation</b>			
1. A programming document shall be prepared for the purpose of defining the: (a) strategic objectives to be pursued by Cross-Border Cooperation; (b) list of the joint operational programmes to be established; (c) indicative breakdown of resources between land and maritime border programmes	1. A programming document shall be prepared for the purpose of defining the: (a) strategic objectives to be pursued by Cross-Border Cooperation; (b) list of the joint operational programmes to be established; (c) indicative breakdown of resources between land and maritime border programmes	1. A programming document shall be prepared for the purpose of defining the: (a) strategic objectives to be pursued by Cross-Border Cooperation, <b>and the priorities and expected results of that cooperation;</b>  (b) list of the joint operational	24/01/13: paragraph to be addressed at a later stage since the last EP amendments need first to be discussed in the horizontal trilogue.

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<p>referred to in Article 8 (1) (a) and (b) and sea basin programmes referred to in Article 8(1)(c); (d) indicative multi-annual allocations to each joint operational programme; (e) territorial units eligible to participate in each joint operational programme, and the regions and centres indicated in Article 8(2), 8(3) and 8(4); (f) indicative allocation to support, as appropriate, horizontal capacity building actions, networking and exchange of experiences among programmes; (g) contributions to the transnational programmes established under Regulation (EU) No [...] of the European Parliament and the Council of [...] on specific provisions for the support from the European Regional Development Fund to the European Territorial Co-operation goal , to which partner countries and/or the Russian Federation participate.</p> <p>The programming document shall cover a period of seven years and shall be adopted by the</p>	<p>referred to in Article 8 (1) (a) and (b) and sea basin programmes referred to in Article 8(1)(c); (d) indicative multi-annual allocations to each joint operational programme; (e) territorial units eligible to participate in each joint operational programme, and the regions and centres indicated in Article 8(2), 8(3) and 8(4); (f) indicative allocation to support, as appropriate, horizontal capacity building actions, networking and exchange of experiences among programmes; (g) contributions to the transnational programmes established under Regulation (EU) No [...] of the European Parliament and the Council of [...] on specific provisions for the support from the European Regional Development Fund to the European Territorial Co-operation goal , <del>to</del> in which partner countries and/or the Russian Federation participate.</p> <p>The programming document shall cover a period of seven years and shall be adopted by the</p>	<p>programmes to be established; (c) indicative breakdown of resources between land and maritime border programmes referred to in Article 8 (1) (a) and (b) and sea basin programmes referred to in Article 8(1)(c); (d) indicative multi-annual allocations to each joint operational programme; (e) territorial units eligible to participate in each joint operational programme, and the regions and centres indicated in Article 8(2), 8(3) and 8(4); (f) indicative allocation to support, as appropriate, horizontal capacity building actions, networking and exchange of experiences among programmes; (g) contributions to the transnational programmes established under Regulation (EU) No [...] of the European Parliament and the Council of [...] on specific provisions for the support from the European Regional Development Fund to the European Territorial</p>	

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Commission in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. It shall be reviewed at mid-term or whenever necessary and may be revised in accordance with the same procedure referred to in that Article.	Commission in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation. It shall be reviewed at mid-term or whenever necessary and may be revised in accordance with the same procedure referred to in that Article.	Co-operation goal <sup>4</sup> , to which partner countries and/or the Russian Federation participate.  <i>The <del>That</del> document shall constitute a strategic</i> programming document <i>within the meaning of Article 2 of the Common Implementation Regulation. It shall cover a period of seven years and shall be adopted by the Commission <b>by means of a delegated act</b> in accordance with <del>the examination procedure referred to in Article 15(3) of the Common Implementing Regulation</del> <b>Article 13 of this Regulation</b>. It shall be reviewed at mid-term or whenever necessary and may be revised in accordance with the same procedure referred to in that Article.</i>	
2. The joint operational programmes shall be co-financed by the European Regional Development Fund. The overall amount of the contribution from the			24/01/13: provisional agreement on the following text:  <b>The joint operational programmes shall be co-financed</b>

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European Regional Development Fund shall be determined pursuant to Article 4(4) of Regulation (EU) No [...] of the European Parliament and the Council of [...] on specific provisions for the support from the European Regional Development Fund to the European Territorial Co-operation goal ]. The provisions of this Regulation shall apply to the use of this contribution.			<b>by the European Regional Development Fund. The overall amount of the contribution from the European Regional Development Fund shall be determined pursuant to Article 4(4) of Regulation (EU) No [...] of the European Parliament and the Council of [...] on specific provisions for the support from the European Regional Development Fund to the European Territorial Co-operation goal ]. The provisions of this Regulation shall apply to the use of this contribution.</b>
3. The Instrument for Pre-Accession may co-finance joint operational programmes to which countries eligible under such Instrument participate. The provisions of this Regulation shall apply to the use of this co-financing.			24/01/13: provisional agreement on the following text:  <b>The Instrument for Pre-Accession may co-finance joint operational programmes to which countries eligible under such Instrument participate. The provisions of this Regulation shall apply to the use of this co-financing.</b>
4. The indicative allocations of funds to the joint operational	4. The indicative allocations of funds to the joint operational	4. The indicative allocations of funds to the joint operational	24/01/13: provisional agreement on the following text:

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programmes shall be based primarily on the population of the eligible areas. When determining the indicative allocations, adjustments may be made to reflect the need for a balance between the contributions from the European Regional Development Fund and the contributions provided under the budget of this Instrument as well as other factors affecting the intensity of cooperation, such as the specific characteristics of border areas and their capacity to manage and absorb Union support.	programmes shall be based primarily on the population of the eligible <del>areas</del> <b>territorial units as defined in Article 8 (1) (a), (b) and (c).</b> When determining the indicative allocations, adjustments may be made to reflect the need for a balance between the contributions from the European Regional Development Fund and the contributions provided under the budget of this Instrument as well as other factors affecting the intensity of cooperation, such as the specific characteristics of border areas and their capacity to manage and absorb Union support.	<del>programmes shall be based primarily on the population of the eligible areas. When determining the indicative allocations, adjustments may be made to reflect the need for a balance between the contributions from the European Regional Development Fund and the contributions provided under the budget of this Instrument as well as other factors affecting the intensity of cooperation, such as the specific characteristics of border areas and, their capacity to manage and absorb Union support</del> <b>and the nature of the projects envisaged.</b>	<b>The indicative allocations of funds to the joint operational programmes shall be based on objective criteria, in particular the population of the eligible territorial units as defined in Article 8 (1) (a), (b) and (c). When determining the indicative allocations, adjustments may be made to reflect the need for a balance between the contributions from the European Regional Development Fund and the contributions provided under the budget of this Instrument as well as other factors affecting the intensity of cooperation, such as the specific characteristics of border areas and their capacity to manage and absorb Union support.</b>
<b>Article 10</b> <b>Joint operational programmes</b>			
1. Cross-Border Cooperation shall be implemented through multi-annual joint operational programmes covering cooperation for a border or a group of borders			24/01/13: provisional agreement on the following text:  <b>Cross-Border Cooperation shall be implemented through multi-</b>



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<p>and comprising multi-annual measures that pursue a consistent set of priorities and that may be implemented with Union support. Joint operational programmes shall be based on the programming document referred to in Article 9. They shall include a summary description of the management and control systems covering the elements referred to in Articles 11(2) and 12 (2).</p>			<p><b>annual joint operational programmes covering cooperation for a border or a group of borders and comprising multi-annual measures that pursue a consistent set of priorities and that may be implemented with Union support. Joint operational programmes shall be based on the programming document referred to in Article 9. They shall include a summary description of the management and control systems covering the elements referred to in Articles 11(2) and 12 (2).</b></p>
<p>2. Joint operational programmes for land and maritime borders shall be established for each border at the appropriate territorial level and shall include eligible territorial units belonging to one or more Member States and one or more partner countries and/or the Russian Federation.</p>			<p>24/01/13: provisional agreement on the following text:</p> <p><b>Joint operational programmes for land and maritime borders shall be established for each border at the appropriate territorial level and shall include eligible territorial units belonging to one or more Member States and one or more other Cross-Border Cooperation participating countries.</b></p>

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3. Joint operational programmes for sea basins shall be multilateral, established at the appropriate territorial level and include eligible territorial units facing a common sea basin belonging to several participating countries, including at least one Member State and one partner country and/or the Russian Federation. They may include bilateral activities supporting cooperation between one Member State and one partner country and/or the Russian Federation.	3. Joint operational programmes <del>for</del> <b>around</b> sea basins shall be multilateral, established at the appropriate territorial level and include eligible territorial units facing a common sea basin belonging to several participating countries, including at least one Member State and one partner country and/or the Russian Federation. They may include bilateral activities supporting cooperation between one Member State and one partner country and/or the Russian Federation.		24/01/13: provisional agreement on the following text:  <b>Joint operational programmes around sea basins shall be multilateral, established at the appropriate territorial level and include eligible territorial units facing a common sea basin belonging to several participating countries, including at least one Member State and one other Cross-Border Cooperation participating country. They may include bilateral activities supporting cooperation between one Member State and one other Cross-Border Cooperation participating country.</b>
4. Within one year of approval of the programming document referred to in Article 9, the participating countries shall jointly submit proposals for joint operational programmes to the Commission. The Commission shall adopt each joint operational programme after assessing its consistency with this regulation, the programming document and the	4. Within one year of approval of the programming document referred to in Article 9, <b>and after the adoption of the Cross-Border Cooperation Implementing rules</b> , the participating countries shall jointly submit proposals for joint operational programmes to the Commission. The Commission shall adopt each joint operational programme after assessing its	4. Within one year of approval of the programming document referred to in Article 9, the participating countries shall jointly submit proposals for joint operational programmes to the Commission. The Commission shall adopt each joint operational programme after assessing its consistency with this regulation, the programming document and the	24/01/13: provisional agreement on the following text:  <b>Within one year of approval of the programming document referred to in Article 9, and after the adoption of the Cross-Border Cooperation Implementing rules, the participating countries shall jointly submit proposals for joint operational programmes to the</b>

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implementing rules.	consistency with this regulation, the programming document and the implementing rules. <b>The Commission shall present the joint Cross-Border Cooperation programmes to the European Parliament and the Member States for information within one month of the adoption of the programmes.</b>	implementing rules <i>within three months after its submission by the participating countries.</i>	<b>Commission.</b> The Commission shall adopt each joint operational programme after assessing its consistency with this regulation, the programming document and the implementing rules within a deadline set in the Implementing Rules. The Commission shall present the joint operational programmes to the European Parliament and the Member States for information within one month of the adoption of the programmes.
5. Regions in countries other than partner countries, the Russian Federation or Member States, which are adjoining to eligible regions as defined in Article 8(1) (a) and (b) or face a common sea basin where a joint operational programme is being established may be covered by a joint operational programme and benefit from Union support under the conditions set out in the programming document referred to in Article 9.			24/01/13: provisional agreement on the following text:  <b>Regions in countries other than Member States or other Cross-Border Cooperation participating countries, which are adjoining to eligible regions as defined in Article 8(1) (a) and (b) or face a common sea basin where a joint operational programme is being established may be covered by a joint operational programme and benefit from Union support under the conditions set out in the programming document referred</b>

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			to in Article 9.
6. The Commission and the participating countries shall take the appropriate measures to ensure that sea basin programmes established under this Regulation and transnational co-operation programmes established under the Regulation (EU) No [...] and that have a partially overlapping geographical coverage will be fully complementary and mutually re-enforcing.	6. The Commission and the participating countries shall take the appropriate measures to ensure that <del>sea basin</del> <b>Cross-Border Cooperation</b> programmes established under this Regulation and transnational co-operation programmes established under the Regulation (EU) No [...] and that have a partially overlapping geographical coverage will be fully complementary and mutually re-enforcing.		24/01/13: provisional agreement on the following text:  <b>The Commission and the participating countries shall take the appropriate measures to ensure that Cross-Border Cooperation programmes, in particular for sea basin, established under this Regulation and transnational co-operation programmes established under the Regulation (EU) No [...] and that have a partially overlapping geographical coverage will be fully complementary and mutually re-enforcing.</b>
		<i>6a. Joint operational programmes shall be revised mid-term through the Multiannual Financial Framework in order to take into account factors occurring in the implementation process, such as:</i> – <i>changes in cooperation priorities, and socio-economic developments,</i> – <i>the results of implementing the measures concerned and matters</i>	24/01/13: amendment withdrawn.

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		<i>arising from the monitoring and implementation process, – the need to adjust the amounts of available funds and to reallocate the resources.</i>	
7. Joint operational programmes may be revised at the initiative of the participating countries or the Commission for reasons such as: - changes in cooperation priorities, socio-economic developments, - results of implementing the measures concerned and those produced by the monitoring and evaluation process, - the need to adjust the amounts of available funds and reallocate resources.			24/01/13: provisional agreement on the following text:  <b>Joint operational programmes may be revised at the initiative of the participating countries or the Commission for reasons such as:</b> - changes in cooperation priorities, socio-economic developments, - results of implementing the measures concerned and those produced by the monitoring and evaluation process, - the need to adjust the amounts of available funds and reallocate resources.
8. Following adoption of the joint operational programmes, the Commission shall conclude a financing agreement with the partner countries and/or the Russian Federation. The financing agreement shall include the legal	8. <del>Following</del> <b>By the end of the calendar year following the year of</b> adoption of the joint operational programmes <b>at the latest</b> , the Commission shall conclude a financing agreement with the partner countries and/or the Russian		24/01/13: provisional agreement on the following text:  <b>By the end of the calendar year following the year of adoption of the joint operational programmes at the latest, the Commission</b>

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<p>provisions necessary to implement the joint operational programme and may also be signed by the other participating countries and by the Managing Authority referred to in Article 12(2)(c).</p> <p>Where necessary, a memorandum of understanding shall be concluded between the participating countries and the Managing Authority to set out the countries' specific financial responsibilities.</p>	<p>Federation. The financing agreement shall include the legal provisions necessary to implement the joint operational programme and may also be co-signed by the other participating countries and by the Managing Authority referred to in Article 12(2)(c) <b>or by the country hosting the Managing Authority.</b></p> <p>Where necessary, <b>an agreement (e.g. in the form of a memorandum of understanding)</b> shall be concluded between the participating countries and the Managing Authority to set out the countries' specific financial responsibilities <b>and programme specific implementation modalities, tasks and responsibilities of its management and administration.</b></p>		<p><b>shall conclude a financing agreement with the other Cross-Border Cooperation participating countries. The financing agreement shall include the legal provisions necessary to implement the joint operational programme and may be co-signed by the other participating countries and by the Managing Authority referred to in Article 12(2)(c) or by the country hosting the Managing Authority.</b></p> <p><b>Where necessary, an agreement (e.g. in the form of a memorandum of understanding) shall be concluded between the participating countries and the Managing Authority to set out the specific financial responsibilities and programme implementation modalities of the countries concerned, including their management and administrative tasks and responsibilities.</b></p>
<p>9. A joint operational programme involving more than one partner country is established if at least one</p>	<p>9. A joint operational programme involving more than one partner country <b>or at least one partner</b></p>		<p>24/01/13: provisional agreement on the following text:</p>

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partner country signs the financing agreement. Other partner countries covered by an established programme can join the programme at any time by signing the financing agreement.	<b>country and the Russian Federation</b> is established if at least one partner country <b>or the Russian Federation</b> signs the financing agreement. Other partner countries <b>or the Russian Federation</b> covered by an established programme can join the programme at any time by signing the financing agreement.		<b>A joint operational programme involving more than one other Cross-Border Cooperation participating country is established if at least one other Cross-Border Cooperation participating country signs the financing agreement. Other Cross-Border Cooperation participating countries covered by an established programme can join the programme at any time by signing the financing agreement.</b>
10. If a participating country undertakes to jointly co-finance a programme, the joint operational programme shall clarify the arrangements for providing, using and monitoring the co-financing. The related financing agreement shall be signed by all participating countries.	10. If a participating country undertakes to <del>jointly</del> co-finance a programme, the joint operational programme shall clarify the arrangements <b>and necessary safeguards</b> for <b>auditing</b> , providing, using and monitoring the co-financing. The related financing agreement shall be signed by all participating countries <b>and programme's Managing Authority or by the country hosting the Managing Authority.</b>		24/01/13: provisional agreement on the following text:  <b>If a participating country undertakes to co-finance a programme, the joint operational programme shall clarify the arrangements and necessary safeguards for auditing, providing, using and monitoring the co-financing. The related financing agreement shall be signed by all participating countries and programme's Managing Authority or by the country hosting the Managing</b>

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			<b>Authority.</b>
11. Joint operational programmes may also provide for a financial contribution from and to instruments with which grants could be combined, subject to the rules of these instruments, provided that this contributes to achieving the programmes' priorities.			24/01/13: provisional agreement on the following text:  <b>Joint operational programmes may also provide for a financial contribution from and to instruments with which grants could be combined, subject to the rules of these instruments, provided that this contributes to achieving the programmes' priorities.</b>
12. Following the principle of partnership, participating countries shall jointly select actions for Union support that are consistent with the priorities and measures of the joint operational programme.	12. Following the principle of partnership, participating countries <b>and their regions</b> shall jointly select actions for Union support that are consistent with the priorities and measures of the joint operational programme.	12. Following the principle of partnership, participating countries <b>and regions</b> shall jointly select actions for Union support that are consistent with the priorities and measures of the joint operational programme.	24/01/13: provisional agreement on the following text:  <b>Following the principle of partnership, participating countries and their regions, where applicable, shall jointly select actions for Union support that are consistent with the priorities and measures of the joint operational programme.</b>
13. In specific and duly justified cases, where: (a) a joint operational programme cannot be submitted owing to	13. In specific and duly justified cases, where: (a) a joint operational programme cannot be submitted owing to		24/01/13: provisional agreement on the following text:  <b>In specific and duly justified</b>



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<p>problems arising in relations between participating countries or between the European Union and a partner country,</p> <p>or</p> <p>(b) by 30 June 2017, at the latest, the participating countries have not yet submitted to the Commission a joint operational programme,</p> <p>or</p> <p>(c) none of the partner countries covered by the programme have signed the relevant financing agreement by the end of the year following the adoption of the programme,</p> <p>the Commission, following consultations with the Member State(s) concerned, shall take the necessary steps to allow the Member State(s) concerned to use the contribution from the European Regional Development Fund to the joint operational programme pursuant to Article 4(7) and (8) of Regulation (EU) No [...] .</p>	<p>problems arising in relations between participating countries or between the European Union and a partner country <b>or the Russian Federation,</b></p> <p>or</p> <p>(b) by 30 June 2017, at the latest, the participating countries have not yet submitted to the Commission a joint operational programme,</p> <p>or</p> <p>(c) none of the <del>partner countries</del> <b>covered by the non-EU participants to the</b> programme have signed the relevant financing agreement by the end of the year following the adoption of the programme,</p> <p>the Commission, following consultations with the Member State(s) concerned, shall take the necessary steps to allow the Member State(s) concerned to use the contribution from the European Regional Development Fund to the joint operational programme pursuant to Article 4(7) and (8) of Regulation (EU) No [...] .</p>		<p><b>cases, where:</b></p> <p><b>(a) a joint operational programme cannot be submitted owing to problems arising in relations between participating countries or between the European Union and an other Cross-Border Cooperation participating country,</b></p> <p><b>or</b></p> <p><b>(b) by 30 June 2017, at the latest, the participating countries have not yet submitted to the Commission a joint operational programme,</b></p> <p><b>or</b></p> <p><b>(c) none of the other Cross-Border Cooperation participating countries in the programme have signed the relevant financing agreement by the end of the year following the adoption of the programme,</b></p> <p><b>or</b></p> <p><b>(d) the joint operational programme cannot be implemented owing to problems arising in relations between participating countries, the Commission, following consultations with the Member</b></p>

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			State(s) concerned, shall take the necessary steps to allow the Member State(s) concerned to use the contribution from the European Regional Development Fund to the joint operational programme pursuant to Article 4(7) and (8) of Regulation (EU) No [...].
14. Budget commitments for CBC actions or programmes extending over more than one financial year may be broken down over several years into annual instalments.			24/01/13: provisional agreement on the following text:  <b>Budget commitments for CBC actions or programmes extending over more than one financial year may be broken down over several years into annual instalments.</b>
<b>Article 11 Management of joint operational programmes</b>			
1. Joint operational programmes shall, in principle, be implemented in shared management with Member States. Participating countries may also propose implementation in indirect management, by an entity listed in the Financial Regulation and in	1. Joint operational programmes shall, <del>in principle</del> , <b>preferably</b> be implemented in shared management with Member States. <b>However,</b> <del>Participating</del> countries may also propose implementation in indirect management, by an entity listed in the Financial Regulation and in		24/01/13: provisional agreement on the following text:  <b>Joint operational programmes shall usually be implemented in shared management with Member States. However, participating countries may</b>

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accordance with the Implementing Rules referred to in Article 12(2).	accordance with the Implementing Rules referred to in Article 12(2).		<b>propose implementation in indirect management, by an entity listed in the Financial Regulation and in accordance with the Implementing Rules referred to in Article 12(2).</b>
<p>2. The Commission shall satisfy itself on the basis of available information that the Member State in case of shared management, or the partner country or the international organisation in case of indirect management, have set up and operate management and control systems that comply with the Financial Regulation, this Regulation, and its implementing rules referred to in Article 12(2).</p> <p>Member States, partner countries and international organisations concerned shall ensure the effective functioning of their management and control system, the legality and regularity of the underlying transactions and the respect of the principle of sound financial management. They shall be responsible for the management and control of the programmes.</p>	<p>2. The Commission shall satisfy itself on the basis of available information that the Member State in case of shared management, or the partner country or the <b>Russian Federation or the</b> international organisation in case of indirect management, have set up and operate management and control systems that comply with the Financial Regulation, this Regulation, and its implementing rules referred to in Article 12(2).</p> <p>Member States, partner countries, <b>the Russian Federation</b> and international organisations concerned shall ensure the effective functioning of their management and control system, the legality and regularity of the underlying transactions and the respect of the principle of sound financial management. They shall be</p>		<p>24/01/13: provisional agreement on the following text:</p> <p><b>The Commission shall satisfy itself on the basis of available information that the Member State in case of shared management, or the other Cross-Border Cooperation participating country or the international organisation in case of indirect management, have set up and operate management and control systems that comply with the Financial Regulation, this Regulation, and its implementing rules referred to in Article 12(2).</b></p> <p><b>Member States, other Cross-Border Cooperation participating countries and international organisations concerned shall ensure the effective functioning of their management and control</b></p>

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<p>The Commission may require the Member State or the partner country or the international organisation concerned to examine a complaint submitted to the Commission concerning the selection or implementation of operations supported under this Title or the functioning of the management and control system.</p>	<p>responsible for the management and control of the programmes.</p> <p>The Commission may require the Member State or the partner country or the <b>Russian Federation or the</b> international organisation concerned to examine a complaint submitted to the Commission concerning the selection or implementation of operations supported under this Title or the functioning of the management and control system.</p>		<p><b>system, the legality and regularity of the underlying transactions and the respect of the principle of sound financial management. They shall be responsible for the management and control of the programmes.</b></p> <p><b>The Commission may require the Member State or the other Cross-Border Cooperation participating country or the international organisation concerned to examine a complaint submitted to the Commission concerning the selection or implementation of operations supported under this Title or the functioning of the management and control system.</b></p>
<p>3. In order to allow the joint operational programmes to prepare adequately for implementation, expenditure incurred after the submission of the joint operational programmes to the Commission shall be eligible at the earliest from 1 January 2014.</p>			<p>24/01/13: provisional agreement on the following text:</p> <p><b>In order to allow the joint operational programmes to prepare adequately for implementation, expenditure incurred after the submission of the joint operational programmes to the Commission shall be eligible at the earliest from 1</b></p>

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			<b>January 2014.</b>
4. Where eligibility is restricted in accordance with Article 8(7) of the Common Implementing Regulation, the entity referred to in paragraph 1, which may launch calls for proposals and tenders, is entitled in such case to accept as eligible tenderers, applicants and candidates from non eligible countries, or goods from non eligible origin, in accordance with Article 9(3) of the Common Implementing Regulation.	4. Where eligibility is restricted in accordance with Article 8(7) of the Common Implementing Regulation, the entity referred to in paragraph 1, which may launch calls for proposals and tenders, is entitled in such case to accept as eligible tenderers, applicants and candidates from non eligible countries, or goods from non eligible origin, in accordance with Articles 8(2) and 9(3) of the Common Implementing Regulation <b>and with the provisions of the ENI Cross-Border Cooperation Implementing Rules<sup>5</sup>.</b>		24/01/13: provisional agreement on the following text:  <b>Where eligibility is restricted in accordance with Article 8(7) of the Common Implementing Regulation, the entity referred to in paragraph 1, which may launch calls for proposals and tenders, is entitled in such case to accept as eligible tenderers, applicants and candidates from non eligible countries, or goods from non eligible origin, in accordance with Articles 8(2) and 9(3) of the Common Implementing Regulation.</b>
<b>Article 12 Implementing rules for Cross Border Cooperation</b>			
1. Implementing rules laying down specific provisions for the implementation of this Title shall be adopted through a delegated act	1. Implementing rules laying down specific provisions for the implementation of this Title shall be adopted <del>through a delegated act</del>	1. Implementing rules laying down specific provisions for the implementation of this Title shall be adopted through a delegated act	24/01/13: paragraph to be addressed at a later stage since the issue needs first to be discussed in the horizontal trilogue.

<sup>5</sup> Agreement on this paragraph is provisional and Member States reserve their right to come back to the text once the Commission has tabled its proposal for the ENI Cross-Border Cooperation Implementing Rules.

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in accordance with Article 14.	in accordance with <b>the examination procedure referred to in Article 14 15(3) of the Common Implementing Regulation. 6</b>	in accordance with Article 14 <b>13</b> .	
2. Matters covered by the Implementing Rules shall include provisions on: (a) the rate and methods of co-financing; (b) the preparation, modification and closure of joint operational programmes; (c) the role and function of the programme structures: Joint Monitoring Committee, Managing Authority and its Joint Technical Secretariat, Joint Selection committees, including their standing, effective identification, accountability and responsibility, description of Management and Control Systems, and conditions on the technical and financial management of Union support, including eligibility of expenditure; (d) recovery procedures; the	2. Matters covered by the Implementing Rules shall include <b>detailed</b> provisions on: (a) the rate and methods of co-financing; (b) the preparation, modification and closure of joint operational programmes; (c) the role and function of the programme structures, <b>e.g. : Joint Monitoring Committee, Managing Authority and its Joint Technical Secretariat, Joint Selection committees</b> , including their standing, effective identification, accountability and responsibility, description of Management and Control Systems, and conditions on the technical and financial management of Union support, including eligibility of expenditure; (d) recovery procedures <b>in</b>	2. Matters covered by the Implementing Rules shall include provisions on, <b>inter alia</b> : (a) the rate and methods of co-financing; (b) the <b>content</b> , preparation, modification and closure of joint operational programmes; (c) the role and function of the programme structures: Joint Monitoring Committee, Managing Authority and its Joint Technical Secretariat, <b>Joint Selection committees, project selection committee</b> , including <del>their</del> <b>its</b> standing, effective identification, accountability and responsibility, description of Management and Control Systems, and conditions on the technical and financial management of Union support, including eligibility of expenditure;	24/01/13: provisional agreement on the following text:  <b>Matters covered by the Implementing Rules shall include detailed provisions on, inter alia:</b> <b>(a) the rate and methods of co-financing;</b> <b>(b) the content, preparation, modification and closure of joint operational programmes;</b> <b>(c) the role and function of the programme structures, e.g. Joint Monitoring Committee, Managing Authority and its Joint Technical Secretariat, including their standing, effective identification, accountability and responsibility, description of Management and Control Systems, and conditions on the technical and financial</b>

6 Agreement on this paragraph is provisional and Member States reserve their right to come back to the text once the Commission has tabled its proposal for the ENI Cross-Border Cooperation Implementing Rules.

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<p>monitoring and evaluation; (e) the visibility and information activities (f) shared and indirect management as referred to in Article 6(2) of the Common Implementing Regulation.</p>	<p><b>particular in non EU countries;</b> the monitoring and evaluation; (e) the visibility and information activities (f) shared and indirect management as referred to in Article 6(2) of the Common Implementing Regulation.</p>	<p>(d) recovery procedures; the monitoring and evaluation; (e) the visibility and information activities (f) shared and indirect management as referred to in Article 6(2) of the Common Implementing Regulation.</p>	<p><b>management of Union support, including eligibility of expenditure;</b> <b>(d) recovery procedures in all participating countries; the monitoring and evaluation;</b> <b>(e) the visibility and information activities</b> <b>(f) shared and indirect management as referred to in Article 6(2) of the Common Implementing Regulation.</b></p>
		<p><i>2a. Cross-border cooperation shall be implemented in accordance with paragraphs 1 and 2, with the assistance of appropriate instruments. Those instruments shall specifically include the European grouping of territorial cooperation in accordance with Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006<sup>7</sup>.</i></p>	<p>24/01/13: EP withdrew the amendment with the understanding that a reference to the European Grouping of Territorial Cooperation would be made in the Preamble.</p>

<sup>7</sup> OJ L 210, 31.7.2006, p. 19.

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Title IV. FINAL PROVISIONS			Title IV has not been discussed yet.
Article 13 Updating of the Annex	<del>Article 13 Updating of the Annex</del>	Article 13 <del>Updating of the Annex</del> <i>Delegation of powers to the Commission</i>	
The list of beneficiary countries in the Annex to this Regulation may be updated following political decisions made by the Council on the scope of the Neighbourhood policy. A modification of the Annex shall be adopted through a delegated act in accordance with Article 14.	<del>The list of beneficiary countries in the Annex to this Regulation may be updated following political decisions made by the Council on the scope of the Neighbourhood policy. A modification of the Annex shall be adopted through a delegated act in accordance with Article 14.</del>	<del>The list of beneficiary countries in the Annex to this Regulation may be updated following political decisions made by the Council on the scope of the Neighbourhood policy. A modification of the Annex shall be adopted through a delegated act in accordance with Article 14.</del> <i>1. The Commission shall be empowered to adopt delegated acts in accordance with Article 14 for the purposes of adopting and revising strategic programming documents within the meaning of Article 2 of the Common Implementing Regulation, updating the list of beneficiary countries in the Annex to this Regulation and adopting the implementing rules for Cross Border Cooperation as referred to</i>	



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		<i>in Article 12 of this Regulation.</i>	
		<i>2. Where, in the case of adoption or revision of the strategic programming documents referred to in paragraph 1, imperative grounds of urgency so require, the procedure provided for in Article 14a shall apply to delegated acts adopted pursuant to this Article.</i>	
<b>Article 14</b> <b>Exercise of the delegation</b>	<b>Article 14</b> <b>Exercise of the delegation</b>		
		<i>-1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</i>	
1. The delegation of powers referred to in Article 12 and 13 shall be conferred for the period of validity of this Regulation.	<del>1. The delegation of powers referred to in Article 12 and 13 shall be conferred for the period of validity of this Regulation.</del>	1. The delegation of powers <b>power to adopt delegated acts</b> referred to in Articles 12 and 13 shall be conferred for the period of validity of this Regulation <b>on the Commission until 31 December 2017.</b>	
2. The delegation of powers may be revoked at any time by the	<del>2. The delegation of powers may be revoked at any time by the</del>		

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European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	<del>European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</del>		
3. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and the Council.	<del>3. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and the Council.</del>		
4. A delegated act adopted shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of the act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European	<del>4. A delegated act adopted shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of the act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European</del>		

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Parliament or the Council.	<del>Parliament or the Council.</del>		
		<i>Article 14a Urgency procedure</i>	
		<i>1. In exceptional circumstances, such as crises or threats to democracy, the rule of law, human rights or fundamental freedoms, or natural or man-made disasters, delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.</i>	
		<i>2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 14. In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.</i>	

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<b>Article 15 Committee</b>	Article <del>15</del> <b>13</b> Committee		
The Commission shall be assisted by the European Neighbourhood Instrument Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.			
<b>Article 16 Participation by a third country not listed in the Annex</b>	Article <del>16</del> <b>14</b> Participation by a third country not listed in the Annex covered by <b>Article 1</b>		
1. In duly justified circumstances and to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation, the Commission may decide to extend the eligibility of actions to countries, territories and regions which otherwise would not be eligible for financing. Notwithstanding the provisions of Article 8(1) of the Common Implementing Regulation, natural and legal persons from countries, territories and regions concerned may participate in the procedures implementing such actions.	1. In duly justified circumstances and <b>in order</b> to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation, the Commission may decide, <b>in accordance with the examination procedure referred to in Article 15(3) of the Common Implementing Regulation</b> , to extend the eligibility of <b>specific</b> actions <b>on a case by case basis</b> to countries, territories and regions which otherwise would not be eligible for financing. Notwithstanding the provisions of	1. In duly justified circumstances and to ensure the coherence and effectiveness of Union financing or to foster regional or trans-regional cooperation, <del>the Commission may decide</del> <b>it may be decided</b> to extend the eligibility of actions to countries, territories and regions which otherwise would not be eligible for financing. <b>The decision shall be taken by the Commission through a delegated act in accordance with Article 13.</b> Notwithstanding the provisions of Article 8(1) of the Common Implementing Regulation, natural	

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	Article 8(1) of the Common Implementing Regulation, natural and legal persons from countries, territories and regions concerned may participate in the procedures implementing such actions.	and legal persons from countries, territories and regions concerned may participate in the procedures implementing such actions.	
2. Provision may be made for this possibility in the programming documents referred to in Article 7.			
<b>Article 17</b> <b>Suspension of Union support</b>	<b>Article 17-15</b> Suspension of Union support		
Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in cases of special urgency. Where consultation with the country concerned does not lead to a solution acceptable to both parties,	Without prejudice to the provisions on the suspension of aid in <del>partnership and cooperation agreements and association</del> agreements with partner countries and regions, where a partner <del>country</del> fails to observe the principles of democracy, the rule of law and <del>the</del> respect for human rights and fundamental freedoms, <del>the Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in</del> <del>eases of special urgency. Where</del> <del>consultation with the country concerned does not lead to a</del> solution acceptable to both parties,	Without prejudice to the provisions on the suspension of aid in partnership and cooperation agreements and association agreements with partner countries and regions, where a partner country fails to observe the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, <del>the</del> Union shall invite the country concerned to hold consultations in view of finding a solution acceptable to both parties, except in <del>eases of special urgency. Where</del> <del>consultation with the country concerned does not lead to a</del> solution acceptable to both parties,	

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<p>or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union support.</p>	<p><del>or if consultations are refused or in case of special urgency, the Council may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union support.</del> <b>Council may take the appropriate measures in accordance with Article 215 (1) of the Treaty on the functioning of the European Union. In such cases, Union assistance shall, to the extent possible, primarily be used to support non-state actors for measures aimed at supporting populations directly and promoting human rights and fundamental freedoms and supporting the democratisation process in partner countries. Before adopting appropriate measures, the Union may conduct any consultations with the partner country or territory concerned.</b></p>	<p><del>or if consultations are refused or in case of special urgency,</del> <b><i>the Parliament and</i></b> the Council may take <b><i>a decision</i></b> appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union which may include full or partial suspension of Union support <b><i>assistance while re-allocating funds to non-state actors for activities aiming at fulfilling the objectives described under Article 2 (2). Any consequent revision of relevant strategic programming documents shall be done in accordance with the urgency procedure provided for in Article 14a.</i></b></p>	
<p><b>Article 18</b> <b>Financial reference amount</b></p>	<p><del>Article 18</del> <b>16</b> Financial reference amount</p>		
<p>1. The financial envelope available</p>	<p>1. The financial envelope available</p>	<p>1. The financial envelope available</p>	

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for implementing this Regulation over the period 2014 to 2020 shall be EUR 18 182 300 000 (current prices). Up to 5% of the financial envelope shall be allocated to the Cross-Border Cooperation programmes referred to in Article 6(1) (c).	for implementing this Regulation over the period 2014 to 2020 shall be EUR [18 182 300 000] (current prices). <sup>8</sup> Up to 5% of the financial envelope shall be allocated to the Cross-Border Cooperation programmes referred to in Article 6(1) (c).	for implementing this Regulation over the period 2014 to 2020 shall be EUR <del>18 182 300 000 (current prices)</del> (...). Up to 5% of the financial envelope shall be allocated to the Cross-Border Cooperation programmes referred to in Article 6(1) (c).	
2. Annual appropriations shall be authorized by the budgetary authority within the limits of the financial framework.			
3. As referred to in Article 13, paragraph 2 of the "Erasmus for All" Regulation, in order to promote the international dimension of higher education, an indicative amount of EUR 1 812 100 000 from the different external instruments (Development Cooperation Instrument, European Neighbourhood Instrument, Instrument for Pre-accession Assistance, Partnership Instrument and the European Development Fund), will be allocated to actions	3. As referred to in Article 13, paragraph 2 of the "Erasmus for All" Regulation, in order to promote the international dimension of higher education, an indicative amount of EUR [1 812 100 000] <sup>9</sup> from the different external instruments (Development Cooperation Instrument, European Neighbourhood Instrument, Instrument for Pre-accession Assistance, Partnership Instrument and the European Development Fund), will be allocated to actions	3. As referred to in Article 13, paragraph 2 of the "Erasmus for All" Regulation, in order to promote the international dimension of higher education <b>and youth exchange</b> , an indicative amount of <del>EUR 1 812 100 000 from the different external</del> <b>corresponding to 2 % of the financial allocations available for the participating instruments</b> (Development Cooperation Instrument, European Neighbourhood Instrument, Instrument for Pre-accession	

<sup>8</sup> All reference amounts will be entered after the conclusion of negotiations regarding the Multiannual Framework (2014-2020).

<sup>9</sup> All reference amounts will be entered after the conclusion of negotiations regarding the Multiannual Framework (2014-2020).

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<p>of learning mobility to or from non EU countries and to cooperation and policy dialogue with authorities/institutions/organisations from these countries. The provisions of the "Erasmus for All" Regulation will apply to the use of those funds.</p> <p>The funding will be made available through 2 multiannual allocations only covering the first 4 years and the remaining 3 years respectively. This funding will be reflected in the multiannual indicative programming of these instruments, in line with the identified needs and priorities of the countries concerned. The allocations can be revised in case of major unforeseen circumstances or important political changes in line with the EU external priorities.</p>	<p>of learning mobility to or from non EU countries and to cooperation and policy dialogue with authorities/institutions/organisations from these countries. The provisions of the "Erasmus for All" Regulation will apply to the use of those funds.</p> <p>The funding will be made available through 2 multiannual allocations only covering the first 4 years and the remaining 3 years respectively. This funding will be reflected in the multiannual indicative programming of these instruments, in line with the identified needs and priorities of the countries concerned. The allocations can be revised in case of major unforeseen circumstances or important political changes in line with the EU external priorities.</p>	<p>Assistance, Partnership Instrument and the European Development Fund), will be allocated to actions of learning mobility to or from non EU countries and to cooperation and policy dialogue with authorities/institutions/organisations from these countries. The provisions of the "Erasmus for All" Regulation will apply to the use of those funds.</p> <p>The funding will be made available through 2 multiannual allocations only covering the first 4 years and the remaining 3 years respectively. <b><i>The allocations</i></b> <del>This funding will be reflected in the multiannual indicative</del> <b><i>based on the strategic programming documents</i></b> of these instruments, in line with the identified needs and priorities of the <del>partner</del> <b><i>partner</i></b> countries concerned. <b><i>The Commission shall include in its report on the implementation of the Instrument a list of all "Erasmus for All" actions financed under funding made available from this Instrument and their compliance with the objectives and principles as set out</i></b></p>	



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		<i>in articles 1 and 2 of this Regulation.</i> The allocations can be revised in case of major unforeseen circumstances or important political changes in line with the EU external priorities, <i>in accordance with the procedures provided for in Article 14a of this Regulation.</i>	
<b>Article 19</b> <b>European External Action Service</b>	<del>Article 19</del> <b>17</b> European External Action Service		
The application of this Regulation shall be in accordance with Council Decision (EU) No 2010/427/EU, establishing the organisation and functioning of the European External Action Service.			
<b>Article 20</b> <b>Entry into force</b>	<del>Article 20</del> <b>18</b> Entry into force		
This Regulation shall enter into force on the third day following that of its publication in the <i>Official Journal of the European Union</i> . It shall apply from 1 January 2014.	This Regulation shall enter into force on the third day following that of its publication in the <i>Official Journal of the European Union</i> . It shall apply from 1 January 2014 <b>until 31 December 2020.</b>	This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union. It shall apply from 1 January 2014 <i>to 31 December 2020.</i>	

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<p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p>Done at Brussels,</p> <p><i>For the European Parliament</i>  <i>The President</i></p> <p><i>For the Council</i>  <i>The President</i></p>			

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<b>ANNEX</b>			
<b>Partner countries referred to in Article 1</b>  Algeria Armenia Azerbaijan Belarus Egypt Georgia Israel Jordan Lebanon Libya The Republic of Moldova Morocco occupied Palestinian territory (oPt) Syria Tunisia Ukraine			