



# CBC in the ENPI regulation: *key concepts and progress in the negotiations*



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# Where do we come from?

- Years of [mixed] experience of promoting CBC at the external borders under different instrument;
- The July 2003 communication: the two steps approach;
- The Commission **ENPI** proposal for a single CBC instrument, operating on both sides of the border on the basis of one set of rules.



# The Common Benefit

- Conceptually the **cornerstone** of the new approach;
- In the past Community assistance could be used **either** for the benefit of member states **or** for the benefit of partner countries;
- With the ENPI Community assistance can be used for the **Common benefit** of both;
- Measures financed under ENPI CBC need to benefit both parties, thus the requirement for **joint programmes, joint management** and finance **joint projects**.



# Addressing EU Foreign Policy & Cohesion objectives

- Promote **enhanced cooperation** and **progressive economic integration** between the European Union and the partner countries;
- Support cross border co-operation to promote **sustainable development** in border regions and integrated territorial development across the Community external border;
- **Balance of funding** reflects this “dual nature”: 50% coming for ERDF and 50% coming from the “External Relations” budget.



# Partnership, Complementarity and Co-financing

- **Partnership:** mechanism of close consultation between the relevant actors leading to shared decisions;
- **Partnership:** between the Commission and the beneficiaries, between Member State(s) and Partner Country(ies), between central and regional/local level, between state and non-state actors;
- **Complementarity:** Community assistance shall complement or contribute to national, regional and local measures;
- **Co-financing:** partners should contribute with own resources to the programme measures.



# CBC: a form of territorial Co-operation

- CBC is a form of co-operation taking place in clearly defined sub-national regions, located along the borders;
- **Eligible regions:** regions placed along land borders and on sea crossings of significant importance (NUTS III) or around “common sea basins” (NUTS II);
- **Adjoining regions:** regions not directly located on a border that may be included in co-operation.



# The joint programmes for Cross Border Cooperation

- **Geographical coverage:** eligible regions of MS and partner grouped together and selected , adjoining regions;
- Land borders/Sea Crossings: grouping per border – bilateral or multilateral;
- Coastal region: grouping per sea basin – multilateral;
- **Content:** multi-annual measures pursuing a set of priorities, a single budgetary table;
- **Duration:** up to 7 years;



# Programme partners are equal

- **Preparations of the programmes:** the partners prepare the programme together and jointly submit it to the Commission;
- **Selection of actions:** the partners select jointly those actions consistent with the priorities and measures which will be financed;
- **Management of the programme:** the partners jointly designate a single managing authority in charge of “implementing” the programme.
- **If no agreement no CBC programme.**



# Managing a programme

- A single programme calls for a single **joint managing authority** operating through **shared management**;
- Public or private body selected **together** by the parties and having the **financial and administrative capacity** to manage the programmes and the **legal capacity** to conclude the necessary agreements;
- Responsible for the **sound financial** management of the programme and for the legality and regularity of the operations;
- Normally located in a Member States but party can propose location in a partner country.



# The role of the Commission

- It does not **manage** the programmes;
- Prepares and adopts the **Strategy paper**;
- Prepares and adopts the **Implementing rules**;
- Assess **the compliance of the joint programmes** with the Strategy Paper and the implementing rules;
- Adopts the **joint programmes**;
- Monitors the implementation of the programmes in all aspects.



# CBC related provisions in the ENPI Regulation

- Art. 1 (2) - Principle of common benefit;
- Art. 2 - Scope and areas of co-operation;
- Art. 4 - Principles of complementarity, partnership and co-financing
- Art. 7 - Strategy paper and allocations criteria;
- Art. 8 - Geographical Eligibility;
- Art. 9 - Programming;
- Art. 10 - Management of programmes;
- Art. 11 - Implementing rules;
- Art. 19 (1) & (2) - Split commitments.



# The ENPI approval process

- Commission proposal Sept 2004;
- ENPI is a co-decided regulation: Council and Parliament have to approve;
- Latest Council text amending the COM proposal presented end 2005;
- EP AFET Committee has adopted in November 2005 a proposed list of amendments (140);
- Three institutions currently negotiating with the view of arriving at a first reading adoption.



# How the regulation has evolved in Council

- Criteria for **allocating funds**: population and other factors affecting the intensity of co-operation;
- More emphasis on the **role of the regional and local authorities**;
- **Adjoining regions**: continuity of co-operation;
- **Financing agreement**;
- **Transitional arrangements**;
- Joint programmes to be adopted following the **opinion of the Committee**: +2 months to the approval process.



# Discussions with Council and Parliament

- Overall support for the Commission proposal;
- Agreement on the key concepts;
- The difficulty of using a common language and reach a mutual understanding;
- Request for more information on the Strategy Paper and the implementing rules;
- Some remaining discussions on: eligibility, participation of adjoining regions, management.



# Conclusion ? ... not yet

- We have 12-15 months to get CBC up and running;
- Working towards reaching political agreement on the ENPI regulation agreement before June → adoption in the 3rd quarter 2006 "possible";
- Meanwhile work in parallel on the various aspects (strategy paper, implementing rules, preparation of the programmes) to be ready in time.

