

Proposal for a Council Regulation creating the Rapid Reaction Facility

(2000/C 311 E/14)

COM(2000) 119 final — 2000/0081(CNS)

(Submitted by the Commission on 18 May 2000)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The aim of preserving peace and liberty is expressed in the preamble to the Treaty establishing the European Community.
- (2) The Community is concerned that the spread of crises affecting political and social stability and security jeopardise not only international peace and security but also the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law.
- (3) In the interests of fostering sustainable economic and social development, there is a need to prevent the crises from spreading or escalating into armed conflicts.
- (4) The conclusions of the European Council of Helsinki of 10 and 11 December 1999 state that 'A non-military crisis management mechanism will be established to coordinate and make more effective the various civilian means and resources, in parallel with the military ones, at the disposal of the Union and the Member States'.
- (5) The Report of the Presidency on non-military crisis management attached to the above conclusions further explains that 'Rapid financing mechanisms such as the creation by the Commission of a Rapid Reaction Fund should be set up to allow the acceleration of the provision of finance to support EU activities, to contribute to operations run by other international organisations and to fund NGO activities, as appropriate'.
- (6) There is a need, in support of existing Community programmes relating to cooperation with third countries, to undertake rapid and efficient action to project security and stability beyond the borders of the European Union wherever the lives and physical integrity of women and men and the respect for human solidarity depend on its intervention.
- (7) The Community's early awareness of crises and rapid response mechanisms need further development with a view to permitting rapid deployment of financial and other resources to prevent crises from spreading or escalating into armed conflicts.
- (8) There is a need to make available at short notice, in the event of security-related crisis situations, accelerated decision-making mechanisms for specific and immediate interventions limited in time, and acting, if so required, as precursors of regular Community instruments to which action can thereafter be transferred.
- (9) Community interventions must be coherent with the European Union's external activities as a whole in the context of its external relations, security, economic, social and development policies.
- (10) Activities covered by the ECHO regulation, Council Regulation (EC) No 1257/96 ⁽¹⁾, should not be funded under this Regulation.
- (11) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾, measures for the implementation of this Regulation should be adopted by use of the advisory procedure provided for in Article 3 of that Decision.
- (12) There is a need for maximum transparency in the implementation of the Community's financial assistance as well as for proper control of use of appropriations.
- (13) The protection of the Community's financial interests and the fight against fraud and irregularities should constitute an integral part of this Regulation.
- (14) The Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 308,

HAS ADOPTED THIS REGULATION:

Article 1

1. The purpose of this Regulation, in support of existing Community programmes relating to cooperation with third countries, is to lay down procedures for establishing a rapid, efficient and flexible mechanism (hereinafter referred to as 'the Rapid Reaction Facility') designed to respond to situations of crisis or the emergence of crisis and to provide immediate financing for non-combat activities related to urgent operations of crisis management and conflict prevention, with a view to fostering international peace and security, the principles of liberty and democracy, respect for human rights and fundamental freedoms and the rule of law, as a basis for economic and social development in those third countries.

⁽¹⁾ OJ L 163, 2.7.1996, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

2. The Rapid Reaction Facility shall be triggered by situations of crisis or emerging crisis, such as circumstances of growing violence destabilising law and order, breaches of the peace, outbreaks of fighting, armed conflicts, massive population movements, or exceptional circumstances with security-related implications and concerns, or major environmental catastrophes threatening safety, stability and security.

3. The Rapid Reaction Facility builds upon the scope of intervention of existing Community regulations, with the exception of ECHO regulation, Regulation (EC) No 1257/96. Its specific added-value is represented by the rapidity of interventions in situations of high tension and by the possibility of mixing different instruments of intervention in order to achieve a comprehensive and coherent action in security-related emergencies. If actions provided for by this Regulation fall under the scope of other regulations, this Regulation shall apply only if:

- (a) the action is intended to be immediate and ad hoc to meet the most urgent safety and security-related requirements of societies and peoples in third countries; and
- (b) the action is limited in time, as further specified in Article 7.

Article 2

1. The principal objectives of actions under the Rapid Reaction Facility shall be, in situations of crisis or emerging crisis, the preservation or re-establishment of conditions of public order, security and safety, the facilitation of dialogue, conciliation and mediation among different groups within a society and the fight against human-rights abuses, ethnic, religious, and gender discrimination, and violence.

2. Interventions financed under this Regulation may comprise any non-combat activities aimed at counteracting or resolving emerging crises and serious threats or outbreaks of conflict, all logistical measures necessary for the planning, implementation, monitoring and auditing of such interventions, including information and communication management, technical assistance and training, the purchase and/or delivery of essential products and equipment, safe transport and all administrative expenditure related to such measures as well as the measures necessary to strengthen the Community's coordination with Member States and other donor countries, international organisations, non-governmental organisations (NGOs) and their representatives.

3. If the actions are eligible for ECHO funding, they shall be financed under Regulation (EC) No 1257/96. In particular security or crisis management circumstances, the Commission may decide that RRF intervention is more appropriate if combined with ECHO action, as necessary. While in these

cases a clear division of labour between ECHO and the Rapid Reaction Facility shall be maintained both at headquarters and in the field, close coordination shall be established in order to achieve optimal overall coherence and to ensure the security of humanitarian workers.

Article 3

1. Community financing under this Regulation shall take the form of grants.
2. The interventions covered by this Regulation shall be exempt from taxes, charges, duties and customs duties.

Article 4

1. Implementing partners eligible under this Regulation may include national governments and their agencies, regional and international organisations and their agencies, NGOs and public and private operators with appropriate specialised expertise and experience.

2. The Commission may conclude framework agreements with relevant government agencies, international organisations, NGOs and private or public operators on the basis of their ability to carry out rapid interventions in crisis management. In situations where unique personal expertise is needed, or where the credibility of the operation and the confidence of the parties is linked to a specific person, as may be the case in mediation, arbitration or advice activities, the Commission may sign contracts with individual organisations or operators, even if no framework agreement had been previously concluded.

3. After a financing Decision has been taken by the Commission in accordance with Article 5 and as soon as practically possible, a financial agreement shall be concluded with NGOs, private or public operators which have been chosen for conducting the intervention, on the basis of the provisions of the respective framework agreements.

4. Non-governmental organisations eligible for financial agreements with a view to the implementation of interventions under this Regulation shall meet the following criteria:

- (a) be non-profit-making autonomous organisations;
- (b) have their main headquarters in a Member State or in the third country in receipt of Community aid.

Exceptionally, their headquarters may be located in another third country.

5. When determining a private operator's or NGO's suitability for Community funding, account shall be taken of the following factors:

- (a) its administrative and financial management capacities;

- (b) its technical and logistical capacity in relation to the urgency of planned operations;
 - (c) its experience in the field in question;
 - (d) its readiness to take part, if need be, in any specific coordination system to be set up for conducting the intervention;
 - (e) its record and guarantee of impartiality in the implementation of the tasks assigned.
6. The Commission will inform the Committee established in Article 8 of the choice of implementing entity and the reasons for such choice.

Article 5

Interventions covered by this Regulation shall be decided by the Commission in accordance with the procedures laid down in this Regulation.

They shall be implemented by the Commission in accordance with the budgetary and other procedures in force, including those laid down in Articles 116 and 118 of the Financial Regulation applicable to the general budget of the European Communities.

Article 6

1. All financing agreements or contracts concluded under this Regulation shall provide for the Commission, the Anti-Fraud Office (OLAF) and the Court of Auditors to conduct on-the-spot checks according to the rules in force.
2. The Commission may carry out on-the-spot checks and inspections in conformity with Council Regulation (EC) No 2185/96 ⁽¹⁾. The measures taken by the Commission shall provide for adequate protection of the financial interests of the Community in conformity with Council Regulation (EC) No 2988/95 ⁽²⁾.

Article 7

1. No single intervention to be funded under this Regulation may receive Community contributions exceeding EUR 12 million.
2. The implementation period of any intervention under this Regulation may not exceed a limited period up to nine months.
3. Should it appear, in exceptional cases, that the implementation period is insufficient to achieve the objectives laid down in Article 1(1) on account of the specific nature of the crisis concerned or its intensity, the Commission shall present a report to the Committee established in Article 8, at the latest one month before the expiry of the original action. Thereafter the Commission may present to the Committee a draft for an extension of the intervention and related financial requirements concerning the same crisis. This further intervention shall comply with the requirements of Article 1.

⁽¹⁾ OJ L 292, 15.11.1996, p. 2.

⁽²⁾ OJ L 312, 23.12.1995, p. 1.

4. Where interventions provided for by this Regulation require a Community contribution in excess of EUR 5 million, or in the exceptional circumstances described in paragraph 3, the Commission shall adopt its decision after consulting the Committee established in Article 8.

Article 8

1. The Commission shall be assisted by a committee (hereinafter referred to as 'the Crisis Committee'), composed of representatives of the Member States and chaired by the representative of the Commission.
2. Where reference is made to this paragraph, the advisory procedure laid down in Article 3 of the Decision 1999/468/EC shall apply, in compliance with Article 7(3) thereof.

Article 9

1. When adopting its rules of procedure, in accordance with Article 7(1) of Decision 1999/468/EC, the Crisis Committee shall take into account the objectives of the Rapid Reaction Facility, and in particular:
 - (a) the need of rapid decisions and implementation in view of the exceptional and urgent nature of the circumstances of crisis which trigger the use of the Rapid Reaction Facility;
 - (b) the flexibility necessary to meet the evolving nature of the crisis.
2. The Crisis Committee may also discuss any other questions related to the implementation of this Regulation, in particular the arrangements for follow-up and the transfer of action, where appropriate, to other instruments once intervention under this Regulation comes to an end.

Article 10

1. The Commission shall, on the basis of a reciprocal and regular exchange of information, including exchange of information on the spot, ensure the effective coordination of its crisis management operations with those of the Member States, in order to increase the coherence and complementarity of all interventions.
2. In the interests of overall coherence of Community strategy for rapid response to crises with civilian instruments, the Crisis Committee may also be a forum for the exchange of information between Member States and the Commission.
3. The Commission shall promote coordination and cooperation with international and regional organisations.
4. The necessary measures shall be taken to give visibility to the Community's contribution.

Article 11

1. The Commission shall regularly assess crisis-management interventions under this Regulation in order to establish whether the objectives of the interventions have been achieved and to provide guidelines for improving the effectiveness of future interventions.

2. The Commission shall present to the European Parliament and to the Council a report summarising Community rapid reaction interventions in the previous year, by 30 April each year, and shall evaluate the implementation of interventions supported by this Regulation upon their completion.

Article 12

Three years after entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council an overall evaluation of the interventions financed by the Community under this Regulation, together with any proposals for amendments to it.

Article 13

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

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