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The adoption of the Special Measure in favour of Tunisia for 2023

European Parliament resolution of 14 March 2024 on the adoption of the special measure in favour of Tunisia for 2023 (2024/2573(RSP))

(C/2024/6563)

The European Parliament,

— having regard to the Treaty on European Union (TEU), in particular to Article 14 thereof,

— having regard to the Treaty on the Functioning of the European Union (TFEU),

— having regard to Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 ([1]) (NDICI-Global Europe Regulation),

— having regard to the Agreement between the European Parliament and the Commission of 3 June 2008 on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC ([2]),

— having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ([3]) (Financial Regulation),

— having regard to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part ([4]),

— having regard to its previous resolutions on Tunisia, in particular that of 16 March 2023 on recent attacks in Tunisia against freedom of expression and association, and against trade unions, in particular the case of journalist Noureddine Boutar ([5]),

— having regard to the press statement by Commission President von der Leyen with Italian Prime Minister Meloni, Dutch Prime Minister Rutte and Tunisian President Saied of 11 June 2023,

— having regard to the Memorandum of Understanding of 16 July 2023 on a strategic and global partnership between the EU and Tunisia,

— having regard to the Commission Implementing Decision of 20 December 2023 on financing of the special measure in favour of Tunisia for 2023 (C(2023)9184), and to the accompanying action document on the support programme for macroeconomic reforms in Tunisia,

— having regard to Rules 136(5) and 132(2) of its Rules of Procedure,

([1]) OJ L 209, 14.6.2021, p. 1.
([2]) OJ C 143, 10.6.2008, p. 1.
([3]) OJ L 193, 30.7.2018, p. 1.
([4]) OJ L 97, 30.3.1998, p. 2.
([5]) OJ C, C/2023/407, 23.11.2023, ELI: http://data.europa.eu/eli/C/2023/407/oj.

— having regard to the motion for a resolution of the Committee on Foreign Affairs and the Committee on Development,

A. whereas Article 21 TEU states that 'the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law';

B. whereas Article 2 of the EU-Tunisia Euro-Mediterranean Agreement states that '[r]elations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles which guide their domestic and international policies and constitute an essential element of the Agreement';

C. whereas Article 29 of the NDICI-Global Europe Regulation excludes actions that may result in the violation of human rights in partner countries; whereas Article 25(5) of the Regulation expects the Commission to carry out *ex ante* human rights impact assessments proportionate to the objectives and extent of the envisaged actions and measures; whereas Article 3(4) of the Regulation states that '[a]t least 93 % of the expenditure under the Instrument shall fulfil the criteria for ODA [Official Development Assistance], [...] thus contributing to ODA collective commitments';

D. whereas recital 40 of the NDICI-Global Europe Regulation states that, '[a]s the respect for democracy, human rights and the rule of law is essential for sound financial management and effective Union funding as referred to in the Financial Regulation, assistance could be suspended in the event of degradation in democracy, human rights or the rule of law in third countries';

E. whereas under President Kais Saied, Tunisia has experienced an authoritarian reversal and an alarming backslide on democracy, human rights and the rule of law; whereas over the last year, President Kais Saied has had opposition politicians, judges, media workers and civil society activists arbitrarily arrested and detained;

F. whereas the Commission adopted the special measure using an urgent written procedure;

G. whereas six months earlier, in the Commission's press statement of 11 June 2023, budget support in the amount of EUR 150 million to Tunisia was announced; whereas this budget support was announced before the Memorandum of Understanding between the EU and Tunisia was signed;

H. whereas no informal contact took place between the Commission and Parliament ahead of the adoption of the special measure under an urgent written procedure, as stipulated in paragraph 12 of the Agreement between Parliament and the Commission of 3 June 2008;

I. whereas Article 27(4) of the NDICI-Global Europe Regulation states that, '[w]hen providing budget support in accordance with Article 236 of the Financial Regulation, the Commission shall clearly define and monitor criteria for budget support conditionality, including progress in reforms and transparency, and shall support the development of parliamentary control, national audit capacities and increased transparency and public access to information';

J. whereas Article 218 TFEU establishes the procedure to be used to negotiate and conclude agreements between the EU and third countries; whereas this procedure allows for appropriate procedural safeguards, as well as parliamentary and judicial scrutiny, thereby increasing accountability and democratic legitimacy;

K. whereas a delegation from the Committee on Foreign Affairs was denied entry to Tunisia on 13 September 2023, thus limiting Parliament's ability to exercise its powers of scrutiny;

L. whereas on 26 September 2023, the Tunisian authorities unilaterally postponed a Commission visit, just days before it was supposed to take place;

M. whereas in October 2023, the Tunisian President rejected and returned EUR 60 million in budget support from the EU;

N. whereas it is in the EU's essential interest to continue to cooperate with Tunisia in order to ensure macroeconomic stability, the rule of law and human rights in the country;

1. Contests the need for an urgent written procedure for the special measure in favour of Tunisia, as the Commission's initial announcement of the EUR 150 million in budget support was made as early as 11 June 2023, leaving sufficient time to use the normal procedure; considers that the timing of the launch of this urgent written procedure demonstrates a lack of respect for parliamentary scrutiny and the comitology procedure;

2. Calls on the Commission to provide a detailed, fact-based explanation in the context of the next upcoming high-level geopolitical dialogue of why no informal contact took place between the Commission and Parliament ahead of the adoption of the special measure under an urgent written procedure, as stipulated in paragraph 12 of the Agreement between Parliament and the Commission of 3 June 2008; expects therefore that Tunisia will be selected as a priority country during the next high-level geopolitical dialogue;

3. Considers that the political commitment made in the Memorandum of Understanding to pay 'in full' the budgetary support for 2023 does not constitute legal grounds for adopting this measure either as a special measure under Article 23(4) of the NDICI-Global Europe Regulation or under an urgent written procedure;

4. Regrets that the Commission did not proactively make available to Parliament the relevant financing agreement with Tunisia, setting out particular conditions and requirements, in accordance with Articles 112(4) and 236 of the Financial Regulation;

5. Requests a detailed explanation of how terms such as 'satisfactory progress', which is used in section 4.3.2 of the Commission's special measure action document, which details the criteria for the disbursement of budget support, constitute 'clearly defined criteria for budget support conditionality', as stipulated by Article 27(4) of the NDICI-Global Europe Regulation;

6. Expresses doubt that the respect for fundamental principles in external action relating to democracy, human rights and the rule of law, as outlined in Article 21 TEU, various provisions of the NDICI-Global Europe Regulation and Article 2 of the EU-Tunisia Euro-Mediterranean Agreement, are met for this special measure, given the significant deterioration in fundamental rights that has already occurred in Tunisia since July 2021 and given the fact that a significant deterioration in fundamental values could lead the EU to suspend, reduce or cancel budget support to partner countries;

7. Calls, therefore, on the Commission to provide, as a matter of urgency and before the end of the parliamentary term, further written details on how and when it will assess whether the conditions outlined in section 4.3.2 on the disbursement of budget support have been or will be met, and what objective criteria will be used to determine whether 'satisfactory progress' has been made in the implementation of the general conditions listed in section 4.3.2;

8. Requests that the Commission clarify in writing how it assesses that Tunisia currently meets the requirement outlined in section 4.3.2(b) of the special measure action document relating to fundamental values;

9. Calls on the Commission to clarify why it chose to disburse the EUR 150 million in a single tranche, rather than permitting a gradual disbursement based on concrete milestones or steps achieved, as provided for in Article 236(2) of the Financial Regulation, forestalling the option to suspend further disbursements should a clear erosion of fundamental values be observed;

10. Calls on the Commission to explain how the special measure will contribute to improving the business and investment climate in the light of the deterioration of the rule of law in Tunisia since July 2021, which is a roadblock to economic development;

11. Calls on the Commission to clarify the reasons why the Tunisian authorities rejected EUR 60 million in budget support disbursed under the COVID facility in October 2023, and on what grounds the Commission believes that the Tunisian authorities are willing to accept the budget support provided for in this special measure;

12. Calls on the Commission to clarify what guarantees it has received from the Tunisian authorities since September 2023 that Parliament will be allowed to visit EU-funded project sites in Tunisia and thus exercise its rights of oversight and scrutiny, in accordance with Article 14 TEU;

13. Requests that the Commission clarify the situation, by providing a pertinent and comprehensive reply to Parliament's question for oral answer and this accompanying resolution;

14. Instructs its President to forward this resolution to the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and the Council.