



COMMISSION OF THE EUROPEAN COMMUNITIES

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95/0161 (SYN)

COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT

pursuant to the first subparagraph of Article 189 c (b) of the EC-Treaty

Council common position on the adoption of Council Regulation (EC) No on
environmental measures in developing countries in the context of sustainable
development.

I. BACKGROUND

1. On 27 June 1995 the Commission proposal was put to the Council, the European Parliament and the Economic and Social Committee.¹
2. The Economic and Social Committee delivered its opinion at its meeting held on 20 and 21 December 1995.²
3. The European Parliament delivered its opinion on 9 May 1996.
4. The Council agreed upon a common position on 28 May 1996.

II. AIM OF THE COMMISSION PROPOSAL

To establish a legal basis for measures funded under item B7-6200 of the Community budget ("Environment in the developing countries").

III. COMMENTS ON THE COMMON POSITION

1. The common position draws many elements from the Commission's initial proposal but groups them and widens the scope, in particular as far as priorities and eligibility criteria are concerned. In addition, the Council has departed from the Commission's proposal on the duration of the Regulation, the setting of a reference amount, the provisions concerning the committee procedure and the information requirements.
2. Amendments proposed by Parliament.

At its plenary sitting of 9 May 1996 Parliament adopted on a first reading 44 amendments and the Commission accepted the majority of them. However, owing to the very short interval between the adoption of the amendments and the meeting of the Council of 28 May, the Commission found it impossible to present a written amended proposal.

Nevertheless, the Commission asked the Council, at the meeting of the relevant working party on 10 May and then at COREPER level on 23 May, to incorporate in the draft common position most of the amendments proposed by Parliament. At the meeting of the Council of 28 May, the common position was adopted. The Commission noted that the Council had included only three of the amendments (amendment No 1, introducing a recital, as well as the parts of amendment No 25 concerning aspects of "information" and the "role of women", and the part of amendment No 32 that refers to beneficiary States). It therefore emphasised its intention to take into account, as far as possible, the amendments adopted by Parliament on a second reading when the revised proposal is presented at a later date.

¹ OJ No C 20/1996.

² Document No ESC 1451/95.

A statement along these lines was recorded in the minutes of the Council meeting of 28 May.

3. New provisions introduced by the Council

3.1. Scope

In Article 1 of the common position the Council underlines the complementary nature of assistance granted under this Regulation and that provided through other cooperation instruments so as to give environmental considerations the place they deserve in Community programmes. In addition, in Article 2 the Council widens the scope of environmental activities and underlines the priorities. The Commission has agreed to these changes, which expand its original proposal, but is of the view that putting them into effect will depend on adequate budget funding being made available.

3.2 Duration

The Commission had not proposed an expiry date for the Regulation, since it felt that a long-term effort was needed for the principle of sustainable development to be applied correctly, thereby facilitating the integration of the environmental dimension in the development process and hence contributing to improved living conditions for the local population. The Council has taken a different view (cf. Article 6) and limits the validity to three years (1997-99).

3.3 Reference amount

In line with the financial statement, the Commission had not proposed to include a reference amount. The Council, however, has decided to include such an amount, setting it at ECU 45 million, equivalent to an annual appropriation of ECU 15 million for the period 1997-99. In a statement on Article 6 of the common position, the Commission has stressed the fact that the inclusion of a cash limit was the Council's sole responsibility and would not affect the prerogatives of the budgetary authority.

3.4. Information to be supplied to the Council

Besides the procedures proposed by the Commission and aimed at guaranteeing transparency and coordination (committee approval for projects whose budget exceeds ECU 2 million, exchange of views on general guidelines, annual report), the Council has imposed two additional requirements: the committee must receive advance information on projects under ECU 2 million a week before the decision is made (cf. Article 7) and the Member States must receive ex-post information on all projects within a month from the decision (Article 10).

The Commission has pointed out that such a number of information procedures far exceeds what can be regarded as necessary to ensure sufficient transparency or can be justified in view of the limited human resources available.

Where the Commission has been given powers which do not require committee approval, it observes the rules of transparency in force. It cannot accept any additional condition which would exceed the requirements laid down in Council Decision No 373 of 13 July 1987. The Commission cannot therefore endorse this amendment.

4. Committees responsible for delivering opinions on the measures proposed

The Commission proposal gave advisory powers to the ALA, MED and EDF Committees through a type I advisory committee procedure. However, the Council has opted for a type III(a) regulatory committee procedure. In a statement on Article 8(2) of the common position, the Commission has declared that it is not able to endorse this amendment.

IV. CONCLUSION

Given the outcome of amendments from Parliament and the new provisions introduced by the Council, the Commission has had a number of declarations recorded in the minutes.

The above considerations (cf. III) will be integrated in the re-examined proposal that the Commission will present after the second reading of Parliament.