

Proposal for a Council Decision on a Community action programme promoting non-governmental organizations primarily active in the field of environmental protection

(97/C 104/07)

(Text with EEA relevance)

COM(95) 573 final — 95/0336(SYN)

(Submitted by the Commission on 6 February 1997)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular, Article 130s thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the Economic and Social Committee,

In cooperation with the European Parliament,

Whereas the Treaty establishing the European Community provides for the development and the implementation of a Community environment policy and sets out the objectives and principles which should guide that policy;

Whereas the resolution of the Council and the representatives of the Member States of 1 February 1993 established a Community programme of policy and activities in relation to the environment and sustainable development — Fifth Action Programme for the Environment ⁽¹⁾;

Whereas, according to the joint declaration by the European Parliament, the Council and the Commission of 30 June 1982 on various measures to improve the budget procedure ⁽²⁾, a legal instrument has to be adopted before appropriations entered in the budget for any new significant Community action can be implemented;

Whereas the Commission, in its communication to the Budgetary Authority concerning legal bases and maximum amounts, undertook to propose a legal base to cover the subsidies accorded under Budget Article B4-306 — awareness and subsidies ⁽³⁾;

Whereas the participation of representative European environmental organizations is required for the implementation of the Council Regulation on a Community ecolabel award scheme ⁽⁴⁾ and the Commission Decision on the setting up of a consultative forum on the environment ⁽⁵⁾;

Whereas the non-governmental organizations, active in the field of environment protection, can contribute to the environment policy of the Community, as laid down in Article 130r of the Treaty;

Whereas their activities of concrete environment protection measures and of increasing the general awareness of the need for the protection of the environment should be encouraged;

Whereas the capacity of the national, regional and local non-governmental organisation to exchange perspectives, problems and possible solutions relating to environmental problems having a Community dimension, should be enhanced;

Whereas the fifth action programme recognizes that all relevant actors, the Commission and environment organizations included, working in partnership should undertake concerted actions and share responsibility for achieving the goal of sustainable development;

Whereas the European environmental organizations are essential to coordinate and channel to the Commission information and views on the new and emerging perspectives such as on nature protection and trans-boundary environmental problems; which cannot be or are not being fully dealt with at the Member State or subordinate level;

Whereas, therefore, in conformity with the principle of subsidiarity, an action programme encouraging the activities of European environmental organizations should be established;

Whereas it is important to define the priority areas of action which the Community programme might support, while complying with polluter pays and the subsidiarity principles;

Whereas the priority actions for implementations should be identified at the latest by 30 September of each year for the following year;

Whereas it is necessary to specify the detailed rules for Community support under the programme;

Whereas provision should be made for the continuation of the programme, the first phase of which will end on 31 December 1999;

Whereas a mechanism should be established so that Community assistance may be adapted to the particular features of the measures to be supported;

⁽¹⁾ OJ No C 138, 17. 5. 1993, p. 1.

⁽²⁾ OJ No C 194, 28. 7. 1982, p. 1.

⁽³⁾ SEC(94) 1106 final of 6. 7. 1994.

⁽⁴⁾ OJ No L 99, 11. 4. 1992, p. 1.

⁽⁵⁾ OJ No L 328, 29. 12. 1993, p. 53.

Whereas it is necessary to establish effective methods of monitoring, assessment and evaluation as well as to ensure adequate information for potential beneficiaries and for the public;

Whereas, in the light of the experience gained in the first three years of implementation, an assessment of the operation of the programme should be undertaken in order to decide on its continuation,

DECIDES:

Article 1

A Community action programme promoting non-governmental organizations to protect the environment is hereby established. The general objective of this programme shall be the development and implementation of Community environmental policy and legislation by promoting the environment protection activities undertaken by non-governmental organizations operating at a European level.

Article 2

1. The fields of action eligible for Community financial assistance are defined in the Annex.

2. Community financial assistance may be provided for actions which are of Community interest, contribute significantly to the implementation of Community environmental policy and meeting the principles underlying the fifth action programme.

This assistance shall cover, in particular, the awareness campaigns and actions, information and documentation infrastructure, demonstration projects and coordination activities of non-governmental organizations.

Article 3

1. The Commission shall establish the priority activities to be implemented within the fields of action defined in the Annex.

2. The Commission shall specify the additional criteria to be used for selecting the actions to be financed.

Article 4

Financial assistance shall consist of the co-financing of actions and/or subsidies to non-governmental organizations.

Article 5

The Commission shall ensure the coherence, consistency and complementarity between the Community activities and projects implementing this programme and other Community programmes and initiatives.

Article 6

1. The rate of Community assistance shall, in principle, not exceed 40 % of the budgeted operational and administrative expenditures.

2. The subsidy to cover administrative support shall last, in principle, for not more than three years.

3. The Community assistance will be for activities which are to take place in the current or a subsequent year of the grant.

Article 7

1. The Commission shall publish a notice in the *Official Journal of the European Communities*, outlining the priority activities to be financed and detailing the selection and award criteria and the application and approval procedure. The notice shall be published by 30 September of the preceding year in which the grants are to be awarded.

2. Proposals for activities to be financed shall be submitted to the Commission by non-governmental organisations operating at European level and promoting environmental protection measures of particular interest to the Community.

3. Actions under this programme shall be approved following an assessment of the proposals by 30 April of each year and shall give rise to an agreement, governing the rights and obligations of partners, concluded with the beneficiaries responsible for implementation.

4. The amount of financial assistance, financial procedures and controls, as well as all technical conditions necessary for granting the assistance shall be determined on the basis of the nature and form of the approved activity and shall be laid down in the agreement concluded with the beneficiaries.

Article 8

1. In order to ensure the success of activity carried out by those receiving Community financial assistance, the Commission shall take the necessary measures to:

— verify that activities proposed by the Community have been carried out properly,

— prevent and take action against irregularities,

— recover sums improperly received, owing to abuse or negligence.

2. Without prejudice to the audits carried out by the Court of Auditors, pursuant to Article 188c of the Treaty or any inspection carried out pursuant to Article 209 (c) of the Treaty, officials and other staff of the Commission may carry out on-the-spot checks, including

sample checks, on activities financed under this programme.

The Commission shall inform the beneficiary in advance of any on-the-spot check, unless there are good reasons to suspect fraud and/or improper use.

3. The beneficiary of financial assistance shall keep available for the Commission all the supporting documents regarding expenditure on the action for a period of five years following the last payment in respect of an action.

Article 9

1. The Commission may reduce, suspend or recover the amount of financial assistance granted for an activity if it finds irregularities or if it transpires that, without Commission approval having been sought, the action has been subject to a major change which conflicts with the objective of the implementing conditions of the action.

2. If the deadlines have not been observed or if only part of the allocated financial assistance is justified by the progress in implementation of an activity, the Commission shall request the beneficiary to submit its observations within a specified period. If the beneficiary does not provide a satisfactory answer, the Commission may cancel the remaining financial assistance and demand prompt repayment of sums already paid.

3. Any undue payment must be repaid to the Commission. Interest may be added to sums not repaid in good time. The Commission shall lay down detailed rules for the implementation of this paragraph.

Article 10

1. The Commission shall ensure effective monitoring of the implementation of Community financed activities. This monitoring shall take place on the basis of reports using the procedures agreed by the Commission and the beneficiary and shall also involve sample checks.

2. For each activity, the beneficiary shall submit a report to the Commission within three months of completion of the action. The Commission shall determine the form and content of this report.

Article 11

A list of activities financed under this programme shall be published each year in the *Official Journal of the European Communities*.

Article 12

No later than 30 June 1999, the Commission shall submit a report to the European Parliament and the Council on the implementation of this programme covering the first three years and shall make proposals for any adjustment to be made with a view to continuing the action beyond the current phase.

The Council, acting by qualified majority on a proposal, from the Commission, shall decide on the implementation of the subsequent phase as from 1 January 2000.

Article 13

This Decision shall apply with effect from 1 January 1996 and cover a four year period.

ANNEX

Action programme for encouraging non-governmental organizations to protect the environment

Operational activities	Indicative allocation of resources 100 %
(breakdown of the above)	
A. Information on the environment	40 %
— facilitate a dialogue and an exchange of information between environment organizations operating at a European level and Community institutions	
— develop information and documentation infrastructures on environment protection for use by professionals and policy makers and for diffusion of information to pre-identified target groups	
B. Analysis of environment activities	40 %
— support and coordinate environmental projects increasing the multiplier effect of the project results	
— reports on the level, extent and nature of environmental problems which could be treated at Community level and about which the Community could be more active	
— undertake analytical reviews on the penetration of the environmental dimension in other areas covered by Community policies	
C. Cooperation between actors in the environment and non-government organisations active at European level	20 %
— promote co-operation between partners identified by the Fifth Action Programme for the environment	
— encourage multisectoral approach to environment protection	
— in the framework of the principle of subsidiarity, complement the Community programmes with the national, regional and local environmental activities operating in the not-for-profit sector	
Operational activities	70 %
Administrative support	30 %
	100 %