

Article 5

The aid from the Community shall be in the form of grants.

Article 6

1. The aid may cover both external expenditure and the local expenditure necessary for implementation of the operations, including maintenance and operating expenses.

Taxes, duties and charges shall be excluded from the Community financing.

2. Any counterpart funds that may result from the actions listed in Article 3 shall be used in accordance with the objectives laid down in this Regulation and in agreement with the Community.

Article 7

Participation in calls for tenders, invitations to tender and purchasing and other contracts shall be open on equal terms to all natural or legal persons of Member States or of the recipient country. Such participation may be extended to other developing countries receiving Community aid, particularly in cases of co-financing or in order to prevent the cost of the operations from increasing unduly as a result of distance, transport difficulties or delivery times.

Such participation by other developing countries shall be of an exceptional nature and shall be authorized on a case-by-case basis in accordance with the procedure laid down in Article 8.

Article 8

Decisions granting aid shall be taken by the Commission following consultation of the Committee

provided for in Article 7 of Regulation (EEC) No 3331/82 and in accordance with the procedure laid down in Article 8 of that Regulation.

The Committee may examine any other matter relating to the implementation of the operations in place of food aid put to it by the chairman on his own initiative or at the request of a representative of a Member State.

Article 9

In accordance with decisions taken pursuant to Article 8, the Commission shall decide on the conditions governing supply of the aid.

Article 10

The Commission shall report to the Council and to the European Parliament on the application of this Regulation.

Article 11

1. The Commission shall take all the necessary steps to ensure proper implementation of operations in place of food aid.

2. The Member States shall give the Commission every assistance and shall provide it with all the necessary information for the proper implementation of these operations.

Article 12

This Regulation shall enter into force on the third day following 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.

Proposal for a Council Regulation establishing special measures of Community interest relating to transport infrastructure

COM(83) 697 final

(Submitted by the Commission to the Council on 2 December 1983)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas conditions incompatible with the proper functioning of the Community could arise when a Member State's economy, whilst in a special situation, is forced to bear a disproportionate burden in the financing of the Community budget;

Whereas it is necessary to establish special measures of Community interest relating to transport infrastructure and involving financial contributions from the Community to transport infrastructure projects in the Federal Republic of Germany and the United Kingdom;

Whereas the projects must be specified and supported by the information required in order to retain only those which are of Community interest in the field to which they relate and due account has to be taken of the Commission's proposals for a multiannual transport programme covering all modes of transport and the evaluation of the Community interest of transport infrastructure projects;

Whereas the Commission should be in a position to check the implementation of the projects provided for in this Regulation;

Whereas the Treaty has not provided for the powers of action required for this purpose,

HAS ADOPTED THIS REGULATION:

Article 1

Special measures of Community interest relating to transport infrastructure are hereby established in 1984 for the Federal Republic of Germany and for the United Kingdom.

Article 2

1. The special measures of Community interest shall be implemented by means of financial assistance to undertake projects which contribute to the realization of the common transport policy and, in particular, contribute to one or more of the following objectives:

- (a) elimination of notorious bottlenecks within the Community;
- (b) improvement of rail transport on routes that are important for long-distance transport, particularly combined transport;
- (c) improvement of traffic links between the outlying zones and the rest of the Community by trunk routes;
- (d) improvement of facilities for the inter-linking of modes of intra-Community transport, particularly for those Member States for which contacts with the rest of the Community are influenced by the development of sea and air transport;
- (e) modernization of the inland waterway system.

The projects should be related as far as possible to the main trunk routes for each mode of transport.

2. The projects shall be submitted to the Commission together with all the information necessary in order to assess:

- their conformity with the objectives referred to in paragraph 1,
- their conformity with the eligibility criteria laid down in Article 3,
- their Community interest taking account of Community transport policy,
- the possibilities of verifying the execution of each project and of auditing expenditure.

3. The Commission may request any additional information necessary for the examination of the said projects.

Article 3

The projects shall be eligible for a financial contribution by the Community provided they are financed wholly or in part by public authorities. Projects to be eligible for Community assistance should be shown to be of Community interest in terms of the following criteria:

- the significance of international traffic and/or transit traffic,
- the nature of the existing bottlenecks and the improvements to be effected,
- the potential for the specific improvement of services to ports and airports serving routes to other Community countries,
- compatibility with other Community policies,
- absence of distortions of competition.

Article 4

1. The Commission shall examine the projects submitted to it by each of the Member States concerned under this Regulation and shall refer them for information to the Committee referred to in Article 7.

2. In accordance with the procedure laid down in Article 8, the Commission shall decide on:

- (a) the projects meriting Community assistance, in the light of the objectives referred to in Article 2 (1) and the criteria laid down in Article 3;
- (b) the amount of the Community's financial contribution, within the limits of the appropriations available.

3. The Community's overall financial contribution may not exceed for each project 70 % of the annual public expenditure provided for its execution.

4. No financial contribution shall be made in respect of expenditure implemented more than 12 months before the entry into force of this Regulation.

5. The Commission's decisions referred to in paragraph 2 shall be published in the *Official Journal of the European Communities*.

Article 5

1. Appropriations relating to projects shall be entered in the budget of the European Communities.

2. As soon as a decision has been taken pursuant to Article 4 (2), the Commission shall make a payment of 90 % of the amount of the Community contribution provided for.

3. Payment of the 10 % balance shall be effected immediately after the sum referred to in paragraph 2 has been used up, as certified by the Government of the Member State concerned, provided that implementation of the project proceeds as planned and that on-the-spot checks have been carried out in accordance with the procedure provided for in Article 6.

Article 6

1. The Commission shall ensure that each project is implemented in accordance with this Regulation, with the provisions adopted for its application and with the Regulations adopted pursuant to Article 209 of the Treaty.

To this end, each of the Member States concerned shall supply the Commission with all information requested by it and shall take all steps with regard to Community-assisted projects to facilitate such supervision as the Commission may consider appropriate, including on-the-spot checks made at its request with the approval of the Member State concerned by the latter's competent authorities, in which Commission officials may participate.

Each Member State concerned shall make available to the Commission, for a period of three years from its transfer of the balance referred to in Article 5 (3), all supporting documents or certified copies thereof relating to expenditure.

2. Where a project is not implemented in conformity with this Regulation or departs substantially from decisions taken for its application, the Commission may suspend payments still due. In this case, it may also decide that sums already paid or still due are to be allocated, in accordance with the procedure laid down in Article 8, to other projects submitted under this Regulation. If, in the opinion of the Commission, no other project or measure is available, it shall recover the payments made.

Article 7

1. A management committee (hereinafter called 'the Committee') is hereby established, composed of representatives of the Member States and chaired by a representative of the Commission.

2. Within the Committee, the votes of the Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

Article 8

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit drafts of decisions to be taken. The Committee shall deliver its opinion on the drafts within a time limit which the chairman may fix according to the urgency of the questions under consideration. An opinion shall be adopted by a qualified majority in accordance with Article 148 (2) of the Treaty.

3. The Commission shall adopt decisions which shall apply immediately. However, if these decisions are not in accordance with the opinion of the Committee, they shall be communicated to the Council as soon as possible and at the latest within one month. In that event, the Commission shall defer application of the decisions it has adopted for not more than two months from the date of such a communication. The Council, acting by a qualified majority, may take a different decision within two months.

Article 9

Each of the Member States concerned shall, in agreement with the Commission, take the necessary steps to ensure that suitable publicity is given to the assistance granted under the Regulation.

Article 10

The Commission shall report to the Council and to the European Parliament on the application of this Regulation.

Article 11

This Regulation shall enter into force on the day 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.