II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation (EEC) on action by the Community for the protection of the environment in the Mediterranean region (Medspa)

COM(89) 598 final

(Submitted by the Commission on 13 March 1990)

(90/C 80/06)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas pursuant to Article 2 of the Treaty the Community has as its task, *inter alia*, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion and an increase in stability;

Whereas pursuant to Article 130r of the Treaty one of the chief objectives of Community action relating to the environment is to preserve, protect and improve the quality of the environment; whereas, in preparing this action, the Community is required to take account, *inter alia*, of environmental conditions in the various regions of the Community and of the economic and social development of the Community as a whole and the balanced development of its regions;

Whereas a certain number of operations for the protection of the environment in the Mediterranean region can be carried out more successfully by the Community than by individual Member States;

Whereas the Council resolution of 7 February 1983 on the continuation and implementation of a European Community policy and action programme on the environment (1982 to 1986) [1] lists protection of the Mediterranean region as one of the areas in which it is particularly important for the Community to take action; whereas this declaration was repeated in the resolution of 19 October 1987 on the continuation and implementation of the abovementioned policy and action programme from 1987 to 1992 [2], which listed overall and integrated environmental protection of the Mediterranean region as one of the priority areas;

Whereas in its communication on the protection of the environment in the Mediterranean basin [3], presented to the Council on 24 April 1984, the Commission undertook to formulate a strategy and action plan for the protection of the environment in this region;

Whereas the communication on protection of the environment in the Mediterranean region [4], adopted by the Commission on 14 November 1988 and presented to the Council, the European Parliament and the Economic and Social Committee, specified guidelines for this strategy and action plan;

Whereas, in view of the vulnerability of the Mediterranean environment and of the pressures to which it is exposed, the environmental operations carried out at regional, national, Community and international level must be intensified and made more effective;

Whereas the region forms an ecological entity and whereas protection of the Mediterranean sea would be inconceivable without a combined international effort by all the littoral States;

Whereas, by virtue of geomorphological and socio-economic similarities, the Atlantic coast of the Iberian peninsula, south of the river Tagus, is an ecological entity comparable to the Mediterranean region;

Whereas the Community should contribute to implementation of the environmental operations by providing financial support for specific measures;

(1) OJ No C 46, 17. 2. 1983, p. 1.

(2) OJ No C 328, 7. 12. 1987, p. 1.

(3) OJ No C 133, 21. 5. 1984, p. 12.

(4) COM(88) 392 final, 21. 11. 1988.

Whereas the Community's Structural Funds and other financial instruments may be used, in accordance with the rules, regulations and objectives governing them, to help finance some of the types of operation provided for by this Regulation.

Whereas the Commission has decided to launch a scheme concerning Structural Funds and the environment (Envireg); whereas, on the other hand, it is necessary to launch an additional scheme to benefit the environment in the Mediterranean region, which is the subject of this Regulation;

Whereas an adequate amount of funding is required for the realization of the objectives of the scheme; whereas the first phase is to be of five years' duration and extends beyond the period which is covered by the inter-institutional Agreement and the financial prospects; whereas it is not possible at this stage to fix the necessary funds definitively for the entire period covered by the action plan;

Whereas an advisory committee should be set up to assist the Commission in implementing this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Community action relating to the protection of the environment in the Mediterranean region (Medspa) is hereby instituted.

2. The action shall cover the entire Mediterranean region, both within the Community and outside, together with the non-Mediterranean Spanish and Portuguese territories of the Iberian peninsula, south of the river Tagus.

Article 2

1. The objectives of the Community action to be undertaken under this Regulation shall be:

— to intensify efforts to protect and improve the quality of the environment and to implement Community environment policy in the region concerned,

— to help make the environmental dimension a more integral part of action taken by the Community pursuant to other Community policies,

— to maintain and increase the effectiveness of Community measures on the environment in the Mediterranean region,

— to increase the cooperation on protection of the environment in the region concerned, by integrating Community action and the operations carried out at regional, national and international level,

— to encourage the transfer of the appropriate technologies to protect the Mediterranean environment.

Article 3

1. The budgetary resources allocated to the operations provided for in this Regulation will be shown in the annual appropriations in the general budget of the European Communities to the extent of the resources available for that year.

2. The abovementioned budgetary resources shall be used in accordance with this Regulation.

Article 4

Priorities for the first five-year phase are listed in the Annex.

Priorities for the second five-year phase will be reviewed in accordance with the procedure laid down in Article 14.

Article 5

The financial support provided for in this Regulation may be granted in respect of operations which fall within the priorities referred to in Article 4.

Where appropriate, the financial support may also be granted in respect of operations which

— are undertaken to deal with a grave situation or a rapidly changing situation,

or

— permit the transfer of technologies and their adaptation to the situation in the Mediterranean environment,

or

— are undertaken to deal with a problem which is liable, within a short time, to give rise to a lasting change in the ecological conditions in the area concerned.

Article 6

1. Operations benefiting from aid under a Structural Fund or any other Community financial instrument shall not qualify for the financial support provided for in this Regulation.

2. The financial support may be granted in respect of the operations referred to in Article 5 provided such operations do not qualify for aid under other Community financial instruments.

Article 7

1. All natural or legal persons and associations bearing ultimate responsibility for the implementation of the operations referred to in Article 5 may qualify for financial support.

2. The financial support shall take the form of:

— capital grants towards investment in projects other than infrastructure projects,

or

— financial contributions towards pilot or demonstration schemes, towards measures designed to provide the information necessary for the implementation of the operations or towards technical assistance measures decided upon by the Commission,

or

— interest rebates for infrastructure projects,

or

— repayable advances decided on a case-by-case basis.

Article 8

Community financial support for the operations listed in Article 5 shall be subject to the following limits:

— a maximum of 50 % of the total cost in the case of public investment projects, and pilot or demonstration projects,

— a maximum of 30 % of the total cost in the case of private investment projects,

— a maximum of 100 % of the total cost of measures designed to provide the information required for implementation of the operations or of technical assistance measures decided upon by the Commission.

Article 9

1. In order to guarantee the success of the operations carried out by beneficiaries of Community financial support, the Commission shall take the necessary measures:

— to verify that actions financed by the Community have been properly carried out,

— to prevent and take action against irregularities,

— to recover any amounts wrongly paid as a result of an irregularity or negligence.

2. Without prejudice to checks carried out by the Court of Auditors in conjunction with the competent national control institutions or services under Article 206b of the Treaty or to any inspection carried out on the basis of Article 209c of the Treaty, Commission officials or employees may carry out on-the-spot checks, including sample checks, in respect of operations financed by Community action.

Before carrying out an on-the-spot check, the Commission shall give notice to the beneficiary concerned with a view to obtaining all the assistance necessary.

3. For a period of three years following the last payment in respect of any operation the beneficiary of financial support shall keep available for the Commission all the supporting documents regarding expenditure on the operation.

Article 10

1. The Commission may reduce or suspend payment of financial support in respect of any operation if it finds irregularities or a significant change affecting the nature or conditions of the Community action for which the Commission's approval has not been sought.

2. If the completion dates have not been respected or if a particular operation has been carried out in such a manner that payment of only part of the financial support allocated to it is justified, the Commission shall ask the beneficiary to submit his comments within a fixed period. Unless adequate justification is produced, the Commission may cancel the remaining portion of that support.

3. Any sum which is unduly received by the beneficiary shall be repaid to the Commission. Interest may be charged on sums not repaid in due time. The Commission shall lay down the detailed rules for the implementation of this paragraph.

Article 11

1. The Commission shall ensure effective monitoring of the implementation of the Community action. Such monitoring shall be carried out by means of reporting procedures agreed jointly between the Commission and the beneficiary of the operation and by spot checks.

The Commission shall report to the committee referred to in Article 12 on the progress made in implementing the Community action, including the use made of appropriations.

2. For each multiannual action, the beneficiary shall submit progress reports to the Commission within six months of the end of each full year of implementation. A final report shall be submitted to the Commission within six months of completion of the operation; for each operation to be implemented over a period of less than two years, the beneficiary shall submit a report to the Commission within six months of completion of the action. The Commission shall determine the form and content of the reports.

3. On the basis of the monitoring reports and procedures referred to in paragraphs 1 and 2, the Commission shall make any necessary adjustments to the amount of the financial support approved initially, to the conditions for granting that support and to the projected schedule of payments.

4. The Commission shall lay down the detailed rules for the implementation of this Article.

Article 12

1. For the purposes of implementing the operations referred to in Article 5 the Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by a representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 13

The list of measures which have received financial support shall be published for information purposes in the *Official Journal of the European Communities.*

Article 14

This Regulation shall enter into force on 1 January 1991.

It shall apply for 10 years, divided into two five-year phases. In 1995 the Council, acting on a proposal from the Commission, shall assess the results and decide on any amendments to this Regulation, in particular with regard to the priority measures to be taken for the implementation of the second phase.

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

ANNEX

ACTION BY THE COMMUNITY FOR THE PROTECTION OF THE ENVIRONMENT IN THE MEDITERRANEAN REGION

Priority measures eligible under this Regulation

1. ACTION IN THE EUROPEAN COMMUNITY

   — For coastal towns with less than 100 000 inhabitants and small islands: collection, treatment, storage and disposal of waste water and solid waste

   — Collection, treatment, storage, recycling and disposal of sewage sludge and toxic and dangerous waste

   — Treatment of water from ships' tanks containing residues of oil and other chemicals

   — Integrated management of biotopes of Community interest in coastal regions.

2. ACTION IN NON-COMMUNITY MEDITERRANEAN COUNTRIES

   — Help with the establishment of the requisite environmental administrative structures

   — Technical assistance required for the establishment of environmental policies and action programmes

   — Where necessary, specific measures in the priority areas referred to in paragraph 1.