

**Draft proposal for a
COUNCIL REGULATION**

of . . .

concerning the activities of the Structural Funds in the territory of the former German Democratic Republic

(90/C 248/09)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43, 127, 130d, 130e and 153 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the European Economic Community has adopted a body of rules concerning the tasks of the Structural Funds, their effectiveness and the coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments;

Whereas, from the date of German unification onwards, Community law will be fully applicable in the territory of the former German Democratic Republic;

Whereas the special situation in that territory necessitates certain adjustments to Community acts concerning the Structural Funds;

Whereas, in particular, there are no sufficiently reliable statistics to permit classification, in accordance with the criteria laid down in Council Regulation (EEC) No 2052/88 ⁽⁴⁾, of that territory in the categories of regions and areas covered by the regional and rural objectives;

Whereas Community action must therefore be flexible during a transitional period;

Whereas, pursuant to Article 8c of the Treaty, the Commission must take into account the extent of the effort that certain economies showing differences in development will have to sustain during the period of establishment of the internal market;

Whereas any derogations adopted for that purpose must be temporary and cause the least possible disturbance to the functioning of the common market;

Whereas the necessary adjustments to the Community rules concerning objective 5a are the subject of Regulation (EEC) No . . ./90 ⁽⁵⁾;

Whereas, pursuant to Article 19 of Regulation (EEC) No 2052/88, the Council must, on a proposal from the Commission, re-examine the said Regulation not later than 31 December 1993,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2052/88, Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 ⁽⁶⁾, Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽⁷⁾, Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁸⁾ and Council Regulation (EEC) No 4256/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the EAGGF Guidance Section ⁽⁹⁾ shall apply to the territory of the former German Democratic Republic, subject to the conditions laid down in this Regulation.

Article 2

1. Not later than 31 January 1991, Germany shall submit to the Commission a plan covering all structural operations envisaged under Article 1 of Regulation (EEC) No 2052/88 in the territory of the former German Democratic Republic for the period ending on 31 December 1993.

⁽¹⁾ OJ No C . . .

⁽²⁾ OJ No C . . .

⁽³⁾ OJ No C . . .

⁽⁴⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁵⁾ OJ No L . . .

⁽⁶⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽⁷⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁸⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁹⁾ OJ No L 374, 31. 12. 1988, p. 25.

The plan shall contain:

- an analysis of the socio-economic situation based on the available data,
- a description of the main priorities adopted for Community assistance,
- the information concerning measures under objective 5a,
- indications of how the envisaged assistance from the Funds, the European Investment Bank and the other financial instruments is to be used to realize the plan.

2. The plan may also provide for measures to be taken in pursuit of the objectives envisaged by the Community initiatives provided for in Article 11 of Regulation (EEC) No 4253/88.

3. A Community support framework for the structural operations, covering the period ending on 31 December 1993, shall be drawn up within a period of three months starting on the date of submission of the plan.

4. The Community support framework shall be drawn up in accordance with Article 8 (5) of Regulation (EEC) No 2052/88 and Articles 8 (3) and 11 of Regulation (EEC) No 4253/88.

5. By way of exception, given the absence of adequate statistical information on the territory in question, the Community support framework shall determine the regions and areas covered by structural measures falling within objectives 1, 2 and 5b.

Article 3

1. The Community expenditure considered necessary to finance the action which is the subject of this Regulation through the ERDF, the ESF and the EAGGF Guidance

Section shall amount to ECU 3 000 million (1991 prices) for 1991 to 1993.

To this amount shall be added, for the EAGGF Guidance Section, the amount of ECU 25 million (1991 prices) considered necessary for the set-aside scheme.

2. The commitment appropriations corresponding to the amount referred to in paragraph 1 shall be in addition to the amounts referred to in Article 12 (2) of Regulation (EEC) No 2052/88.

They shall not be taken into account for the application of paragraphs 3 to 6 of that Article.

Article 4

Article 1 (5) and (6) of Regulation (EEC) No 4255/88 shall apply to the territory of the former German Democratic Republic.

Article 7 of Regulation (EEC) No 4255/88 shall not apply.

Article 5

Verification of compliance with Article 7 (1) of Regulation (EEC) No 2052/88 shall be carried out on the basis of the amendments made to Community provisions to take account of the special situation in the territory of the former German Democratic Republic.

Article 6

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.

Done at Brussels, . . .

For the Council
The President