COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.02.1997
COM(97) 28 final

95/0336 (SYN)

Amended proposal for a

COUNCIL DECISION

on a Community Action Programme promoting non-governmental organisations primarily active in the field of environmental protection

(presented by the Commission pursuant to Article 189 a (2) of the EC-Treaty)

EXPLANATORY MEMORANDUM

Pursuant to Article 189a paragraph 2 of the EC Treaty, the Commission submits an amended proposal for a Council Decision on a Community Action Programme promoting non-governmental organisations primarily active in the field of environmental protection. The amended proposal takes account of a number of amendments from the European Parliament, adopted at its November 1996 plenary session. [1]

Amendments accepted by the Commission

The Commission can accept wholly, in part, or in principle a total of 12 amendments.

Recital 5 has been deleted to avoid any misunderstandings about the role of NGOs at Community level (amendment 1). A new recital 11 a has been inserted which takes account, with redrafting, of amendment 2 concerning the recognition of "in-kind" income of NGOs. A new recital 11b has been inserted to take account of the need for transparency concerning the use of financial support to NGOs(part of amendment 3). Recital 14 has been amended by clarification that Community support is financial (amendment 5).

A definition of environmental NGOs has been added to Article 1 (part two of amendment 6).In the interests of consistency , this necessitates the amendment of similar definitions throughout the proposal, including recitals 10 and 11 and Articles 4 and 7.2. Article 2.2.1 has been amended by the addition of the text of amendment 7 which introduces further development of Community environment policy as an aim of financial assistance. Article 2.2.2 has been amended to the effect that activities "initiated by these organisations themselves" are added to the field of activities covered by assistance to NGOs (part of amendment 8).

Article 6 .1 concerns the maximum proportion of NGO budgets which can be funded by the Commission and has been amended (amendment 23) to allow for a maximum of 60 %. Article 6 .2 has been redrafted to take account of the Parliament's wish that funding should last longer than three years (principle of amendment 22) . Article 6.3 has been amended to take account, with redrafting, of that part of amendment 25 which deals with NGOs' "in-kind" income.

Article 7.3 sets out a new timetable for the call for tenders and decisions on funding, as prescribed in amendment 24. The acceptance of this amendment necessitates the deletion of recital 13 and the second sentence of Article 7.1. Article 12 concerns the possibility of continuation of the programme beyond the phase provided for by the current proposal and to allow for all eventualities has been amended by the insertion of the words "if appropriate" and "or not continuing" (the latter being part of amendment 18).

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[1] Provisional minutes of the session of 13.11.96, doc. PE 253.832, Part 2, pages 37-42

Amendments not accepted by the Commission

That part of amendment 3 which refers to "political independence" cannnot be accepted because this is such a vague concept and difficult to prove. Amendment 4 cannot be accepted because it is considered superfluous: umbrella organisations are already covered by the proposal. Similar reasoning applies to the non-acceptance of part one of amendment 6 . Likewise, the Commission cannot accept that part of amendment 8 which proposes to add measures designed to strengthen cooperation between NGOs from different countries. Article 1 of the Commission proposal already refers to "non-governmental organisations operating at a European level" so the Commission considers that over-explicit definitions would be an operational constraint which could prejudice access to funds by new NGOs.

Amendments 9 and 21 propose respectively selection criteria and exclusion criteria. The Commission cannot accept either of these amendments. It prefers not to establish rigid criteria in the proposal. It should be borne in mind however that the transparency of the funding procedure is guaranteed: each year, a call for proposals, mentioning the selection criteria and priority themes , is published in the Official Journal of the European Communities. After the selection procedure the list of beneficiaries, with the respective funding amounts, is also published in the Official Journal.

The Commission considers that NGOs cannot be both beneficiaries and judges of the funding system and cannot therefore accept amendment 11. Amendment 13 cannot be accepted because the Commission does not differentiate between umbrella organisations and other organisations. It is difficult to evaluate shares of activities so that part of amendment 25 which proposes that "at least a significant number" of activities be completed during the year for which subsidies are given, is not acceptable.

Amendment 15 is considered superfluous since all beneficiaries are asked to keep proper accounts regardless of the amount of support given. Amendment 17 cannot be accepted because it would be operationally too vague.

Practical reasons again explain why the Commission cannot accept all of amendment 18. If that part of the amendment which foresees changing the timetabling of the Commission's three-year report were accepted, it would mean that report would be largely incomplete. As regards that part of amendment 18 which indicates the legal base for future proposals, the Commission cannot prejudge its decision on such proposals.

Amendment 19 and part of amendment 20 propose changes in the percentages of funding allocated for different purposes. These cannot be accepted because they would mean less money being available for cooperation activities which are very important for European NGOs. That part of amendment 20 which deletes the reference to cooperation between actors and NGOs and to the Fifth Environmental Action Programme partners, cannot be accepted because it is against the general aim of the Commission's proposal.

AMENDED PROPOSAL FOR A COUNCIL DECISION ON A COMMUNITY ACTION PROGRAMME PROMOTING NON-GOVERNMENTAL ORGANISATIONS PRIMARILY ACTIVE IN THE FIELD OF ENVIRONMENTAL PROTECTION

(presented by the Commission pursuant to Article 189 a (2) of the EC Treaty)

ORIGINAL TEXT	AMENDED TEXT
	First recital
Having regard to the Treaty establishing the European Union, and in particular Article 130S thereof,	Having regard to the Treaty establishing the European Union, and in particular Article 130 S (1) thereof,
	Fifth recital
Whereas the participation of representative European environmental organisations is required for the implementation of the Council Regulation on a Community ecolabel award scheme and the Commission Decision on the setting up of a Consultative Forum on the environment;	deleted
	Eighth recital
Whereas the capacity of the national, regional and local non-governmental organisations to exchange perspectives, problems and possible solutions relating to environmental problems having a Community dimension, should be enhanced,	Whereas the capacity of the national, regional and local environmental non-governmental organisations to exchange perspectives, problems and possible solutions relating to environmental problems having a Community dimension, should be enhanced,

Tenth recital

Whereas the European environmental organisations are essential to co-ordinate and channel to the Commission, information and views on the new and emerging perspectives such as on nature protection and transboundary environmental problems ; which cannot be or are not being fully dealt with at the Member State or subordinate level;	Whereas the European environmental non-governmental organisations are essential to co-ordinate and channel to the Commission, information and views on the new and emerging perspectives such as on nature protection and transboundary environmental problems ; which cannot be or are not being fully dealt with at the Member State or subordinate level;

Eleventh recital

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

Eleventh recital a (new)

	Whereas environmental non-governmental organizations often use voluntary labour and often receive donations in kind; whereas account (up to 10% of total eligible expenditure) may be taken of this special feature of their accounting systems when their revenue and expenditure, as well as their applications for subsidies, are considered;

Eleventh recital b (new)

	Whereas financial support should be designed in such a way as to take account of the need for openness concerning the use of this support;

Thirteenth recital

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

Fourteenth recital

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

Article 1

A Community action programme promoting non-governmental organisations 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 organisations operating at a European level.	A Community action programme promoting non-governmental organisations 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 environmental non-governmental organisations operating at a European level.
	For the purposes of this Decision, environmental non-governmental organisations operating at a European level are private, non-governmental and non-profit-making organisations with an environmental objective aimed at the public good.

Article 2 (2), first subparagraph

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	Community financial assistance may be provided for actions which are of Community interest and contribute significantly to the implementation and further development of Community environmental policy and meeting the principles underlying the Fifth Action Programme

Article 2 (2), second subparagraph

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

Article 4

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

Article 6 (1)

1. The rate of Community assistance shall , in principle, not exceed 40% of the budgeted operational and administrative expenditures.	1. While environmental non-governmental organisations are expected to seek other forms of support as well, the rate of Community assistance might, in principle, cover up to 60% of the budgeted operational and administrative expenditures.

Article 6 (2)

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

Article 6 (3)

3. The Community assistance will be for activities which are to take place in the current or a subsequent year of the grant.	3. The Community assistance will be for activities which are to take place in the current or a subsequent year of the grant. Unpaid work or donations in kind, if properly documented, may be taken into account, up to a level of 10% of total eligible expenditure, when assessing environmental non-governmental organisations' revenue and expenditure.

Article 7 (1)

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.	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.	deleted

Article 7 (2)

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

Article 7 (3)

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.	3. The call for tender activities under this programme shall be announced in the Official Journal every year before 31 January. After an assessment of the proposals, the Commission shall decide before 31 May which activities it will subsidise. These decisions shall be published in the Official Journal, and shall give rise to an agreement, governing the rights and obligations of partners, concluded with the beneficiaries responsible for implementation.

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 and 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.	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 and covering the first three years and shall make proposals if appropriate for any adjustment to be made with a view to continuing or not continuing the action beyond the current phase.

ISSN 0254-1475

COM(97) 28 final

DOCUMENTS

EN 14 11

Catalogue number : CB-CO-97-024-EN-C

ISBN 92-78-15201-3

Office for Official Publications of the European Communities

L-2985 Luxembourg

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