

ARCHIVES HISTORIQUES DE LA COMMISSION

**COLLECTION RELIEE DES
DOCUMENTS "COM"**

COM (84) 058

Vol. 1984/0025

Disclaimer

Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(84) 58 final

Brussels, 10 February 1984

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

Resumption of consideration of the proposal for a Council Regulation
(EEC) on the measure to be taken in the event of irregularities
affecting the own resources referred to in the Decision of 21 April
1970 and the organization of an information system for the Commission
in this field

[Handwritten signature]

COM(84) 58 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL
=====

Resumption of consideration of the proposal for a Council Regulation (EEC) on the measure to be taken in the event of irregularities affecting the own resources referred to in the Decision of 21 April 1970 and the organization of an information system for the Commission in this field.

1. On 19 March 1979 the Commission sent the Council a proposal for a Council Regulation (EEC) on the measures to be taken in the event of irregularities affecting the own resources referred to in the Decision of 21 April 1970 and the organization of an information system for the Commission in this field ⁽¹⁾. The Council consulted Parliament and the Court of Auditors. Parliament adopted its opinion, which was favourable in all respects, on 11 May 1979 ⁽²⁾ and the Court of Auditors adopted its opinion on 17 May 1979 ⁽³⁾.

In November 1980, the Council suspended consideration of the Commission proposal since the Council wanted to apply existing provisions and those then being adopted before introducing new rules. On this occasion, the Member States declared that they were prepared to do their utmost under the rules in force or being adopted - particularly concerning mutual assistance - to step up the efforts of national administrations to combat irregularities affecting own resources and provide the Commission with adequate information. However, depending upon the results actually achieved, they undertook to resume consideration of their proposal.

.../...

(1) OJ C 88, 4 April 1979, p. 4.
(2) OJ C 140, 5 June 1979, p. 148.
(3) OJ C 187, 25 July 1979, p. 9.

The Commission being aware of Parliament's expectations has continued to maintain its proposal.

2. The Commission has found from experience that the existing rules do not allow it to fulfil its obligations to ensure that operations relating to the collection of its own resources are carried out correctly.
3. The Commission would point out in the first place that the Community's financial situation makes it more important than ever that own resources should be managed as carefully as possible. The present circumstances make this a political as well as a financial necessity. At a time when the Commission is proposing to Council and Parliament an increase in its own resources, it must be able to give assurances that the burden is fairly spread and in particular show how cases of fraud or irregularity which might affect payment are being dealt with. The Commission would also point out that the existing rules prevent it from giving other than very partial answers to the many requests for information from European Parliament's Committee on Budgetary Control.
4. The implementation of Council Regulation (EEC) No 1468/81 of 14 May 1981 on mutual assistance between the administrative authorities of the Member States and collaboration between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters ⁽¹⁾ has undoubtedly provided the Commission with considerably more information. But even this information is far from exhaustive. Similarly, the half-yearly and annual reports from the Member States on the most significant problems encountered, particularly disputes, in applying Regulation (EEC, Euratom, ECSC) No 2891/77 of 19 December 1977 implementing the Decision of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources ⁽²⁾ provide a useful amount of

.../...

(1) OJ L 144, 2 June 1981, p. 1.

(2) OJ L 336, 27 December 1977, p. 1.

information on the difficulties the Member States have in operation the own resources system. But again this information is too general and does not permit individual cases of fraud and irregularity to be studied.

The existing provisions are no substitute for the regular, systematic and obligatory transmission of information on frauds and irregularities which would have been set up by the regulation proposed by the Commission in March 1979.

5. The Commission would also draw the Council's attention to the latest amendments to its proposal to amend Regulation No 2891/77 ⁽¹⁾. In order to take account of the real problems encountered by the Member States in establishing and making available own resources, the Commission has proposed defining establishment more precisely and laying down conditions for deferring the making available of entitlements established and for definitive release from the obligation to make them available. Acceptance of these proposals will enable the Commission to deal in a more uniform manner with cases where establishment of entitlements poses problems; it does, however, also increase the need for an inspection mechanism in such cases.
6. The Commission's conclusion is that, in line with the undertaking it gave in 1980, the Council should now resume consideration of the proposal for a Regulation of 19 March 1979, which the Commission considers to be an indispensable part of the Community own resources system.
7. The Commission will send to the European Parliament which has already been consulted on its proposal, a copy of the present communication for information.

(1) OJ C 303, 10 November 1983, p. 19.