



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.04.2004
COM(2004) 352 final

2003/0109 COD

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DECISION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

Establishing a Community action programme to promote organisations active at European
level in the field of equality for men and women

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the two amendments proposed by Parliament.

2. BACKGROUND

The proposal was submitted to the European Parliament and the Council (document COM(2003) 279 final - 2003/0109 (COD)) on 4 June 2003.

The European Economic and Social Committee gave its opinion on 10 December 2003.

The European Parliament gave its opinion at first reading on 20 November 2003.

The Commission, on the basis of the EP amendments that it could accept, submitted a Commission amended proposal to the Council on 16 January 2004. The amended proposal accepted 12 amendments (one partially) and rejected 8 amendments. The Commission accepted all amendments which introduced more clarity.

The rejected amendments mainly concerned the increase in the co-financing of the European Women's Lobby to a maximum of 90% rather than the 80% reflecting the current situation; to the extension of the programme to 2008, not in line with the trilogue's joint declaration of 24 November 2003; to the introduction of a more cumbersome evaluation of the programme, which would be disproportionate to the amount and duration of it.

The Council common position was adopted on 6 February 2004. The proposal has been examined by the Social Affairs Group while the Budgetary committee also examined the financial aspects.

The common position accepted the main objectives of the Commission's proposal and several of the EP amendments. Concerning the duration of the programme and the overall amount to

be spent, the Common Position respects the agreement reached between the EP, the Commission and the Council at the Trilogue on 24 November 2003.

The Commission accepted the proposed common position of the Council (Communication of 9 February 2004 (COM (2004) 100 final), subject to inclusion of the transitional clause discussed at the budget conciliation meeting of 24 November 2003. The Commission was asked to take all the preliminary steps in order to be able to execute the 2004 budget immediately after the approval of the basic acts. Should the approval occur only in 2004, transitional clauses covering the period before this approval will have to be added to the basic acts, allowing, on an exceptional basis, the signature of the conventions mentioned in Article 112(2) of the Financial Regulation before 30 June 2004.

The Commission provided on 25 February 2004, the necessary texts for the transitional clauses, in line with the conciliation meeting of 24 November 2003 which were tabled as amendments by the European Parliament to the common position (similar clauses were inserted in the decisions concerning the other programmes of the package). On 30 March 2004, the European Parliament adopted on its second reading the two above-mentioned amendments to the common position.

The present opinion presents the Commission's position on the amendments of the European Parliament, in accordance with Article 251, paragraph 2, third alinea, point c) of the Treaty.

3. PURPOSE OF THE PROPOSAL

The purpose of this proposal for a decision, adopted by the Commission on 27 May 2003, is to provide a legal basis for awarding grants to organisations active at European level in the field of equality for men and women for the years 2004 and 2005.

This decision has been made necessary by the new structure of the Commission's budget under the new Financial Regulation with effect from 2004. As a result, the two current budget headings, namely A-3037 for the European Women's Lobby and A-3046 for other organisations active in the field of equality for men and women, will be converted into budget headings by area of activity requiring a basic instrument.

On the same date of 27 May 2003, the Commission adopted six other proposals for decisions to provide a specific basic instrument, from 2004 onwards, for grants currently funded on the basis of administrative appropriations entered in Part A so as to classify them by area of activity. A Communication from the Commission to the Parliament and the Council of 27 May 2003, COM(2003) 279 final, explains the general and common approach adopted for all the proposals for decisions forming part of this initiative.

This was the background to the Commission's adopting, on 27 May 2003, its proposal for a decision establishing a Community action programme to promote organisations active at European level in the field of equality for men and women. The specific legal basis is Article 13 (2) EC which requires the codecision procedure.

The financial framework for the implementation of the programme for the period from 2004 to 2005 shall be EUR 2,2 million (750.000 EUR for the European Women's Lobby for the period 2004-2005 and 350.000 EUR per year for the other organisations).

4. OPINION OF THE COMMISSION ON THE AMENDMENTS PROPOSED BY THE EUROPEAN PARLIAMENT

4.1 Amendments accepted by the Commission

The Commission accepts the two amendments of the European Parliament. These amendments are in line with the decisions taken in the budget conciliation meeting of the European Parliament, the Council and the Commission of 24 November 2003. It was decided in the above-mentioned meeting, that, in order for the Commission to be able to execute the 2004 budget immediately after the approval of the basic acts, transitional clauses covering the period before this approval, should be added to the basic acts, allowing, on an exceptional basis, the signature of the conventions mentioned in Article 112(2) of the Financial Regulation before the 30 June 2004.

4.1.1: Amendment 1: recital 15 (a) new):

Reference to the Interinstitutional Declaration of 24 November 2003 on the basic acts for grants of the European Parliament, the Council and the Commission provides, for transitional clauses concerning the period of eligibility of expenditure to be introduced in this programme on an exceptional basis.

4.1.2: Amendment 2 : article 6a (new):

Description of the transitional clauses which provide, that for grants awarded in 2004, it will be possible for the period of eligibility of expenditure to start on 1 January 2004, provided that the expenditure does not precede the date on which the grant application was lodged or the date on which the beneficiary's budget year starts.

Also that during 2004, in the case of beneficiaries whose budgetary year starts before 1 March, an exception may be granted to the obligation to sign the grant agreement within the first four months of the start of the beneficiary's budget year, as referred to in Article 112, paragraph 2 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. In this case, the grant agreement should be signed by 30 June 2004 at the latest.

The Commission accepts both amendments for the reasons mentioned under point 4.1.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.