



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 9.1.2004
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2003/0114 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

**common position of the Council on the adoption of a Decision of the European
Parliament and of the Council establishing a Community action programme to promote
bodies active at European level and support specific activities in the field of education
and training (2004-2006)**

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1. BACKGROUND

Date of transmission of the proposal to the EP and the Council (document COM(2003)273 final – 2003/0114 (COD)):	27 May 2003
Date of the opinion of the European Economic and Social Committee:	29 October 2003
Date of the opinion of the European Parliament, first reading:	6 November 2003
Date of political agreement in Council (unanimous):	24 November 2003
Date of adoption of the common position:	22 December 2003

2. OBJECTIVE OF THE COMMISSION PROPOSAL

This proposal, based on Articles 149 and 150 TEC, is one of seven establishing basic acts for grants currently without a separate legal base. It proposes a multi-annual programme (2004-2008) for grants for organisations engaged at European level in the fields of education and training. The programme is divided into 3 Actions:

Action 1: Grants to support the ongoing activities of a list of named organisations of general European interest:

- College of Europe (Bruges & Natolin campuses)
- European University Institute, Florence
- European Law Academy, Trier
- European Institute of Public Administration, Maastricht
- European Inter-University Centre for Human Rights and Democratisation
- International Centre for European Training
- European Agency for Development in Special Needs Education

Action 2: Grants to support the ongoing activities of other European associations active in the field of education and training. Grants, which may be annual or multi-annual, will be awarded following a selection based on published calls for proposals.

Action 3: This is sub-divided into three sub-actions:

- Action 3A: Support for activities in the field of higher education concerning European integration, including Jean Monnet chairs.
- Action 3B: Support for activities contributing to the achievement of the future objectives of education and training systems in Europe.
- Action 3C: Support for training of national judges in the field of European law.

3. COMMENTS ON THE COMMON POSITION

3.1. Consideration of the amendments proposed by the Parliament at its first reading

3.1.1. Amendments accepted in full or in substance by the Commission and incorporated into the common position

Amendment 1 to Recital 10: adds a reference to the Commission's declaration at the time of adoption of the new Financial Regulation that it would take into account remarks entered in the budget in the context of implementation.

Amendment 3 to Article 4: clarifies which programme actions are implemented by means of a call for proposals.

Amendment 12 to the Annex: adds an obligation on grant beneficiaries to acknowledge publicly the source of funding.

3.1.2. Amendments accepted by the Commission in principle and not incorporated in the common position – 4, 6, 8, 9, 10, 11

This group of amendments proposes modifications to the budgetary envelope of the programme in Article 6 and to the maximum and minimum percentage distribution of this envelope set out in the Annex.

As an agreement was reached by the three institutions at the budgetary conciliation meeting on 24 November to set the budgetary envelope at EUR 77 million (an increase of EUR 1.888 million on the Commission's original proposal), and this sum is already included in the common position and is acceptable to the Commission, amendment 4 is no longer relevant.

It will be necessary to verify after conclusion of the 2004 budgetary procedure whether the maximum and minimum percentages in the annex to the Decision need to be revised to take account of any changes to the individual budget lines in the final budget adopted for 2004. If so, such changes can be introduced during second reading.

3.2. Common position of the Council

The text of the common position is acceptable to the Commission as it largely respects the substance of the Commission's original proposal and takes account of the amendments proposed by the Parliament and accepted in full by the Commission.

Changes made by the Council which are integrated into the common position:

- In Article 1 the duration of the programme is reduced from 2004-08 to 2004-06. This reflects the agreement reached between the three institutions at the trilogue on 13 November. The Commission considers this an acceptable compromise, in the interest of rapid adoption of the legal base.
- In Article 3 a revised provision for the participation of non-EU countries in the programme refers specifically to the different legal instruments under which such participation will take place. This is a technical legal drafting change.
- In Article 6 the budgetary envelope is modified to EUR 77 million, as agreed at the budgetary conciliation meeting.
- A new Article 7 is introduced, specifying that the Commission is responsible for the implementation of the programme. This is a statement of fact.
- In new Article 8: a requirement is added that the Commission should report annually to the Parliament and to the Council on the implementation of the programme; and reference to a second evaluation report in 2009 is removed, reflecting the reduced duration of the programme.
- Some other drafting changes have been made that clarify the text.

The Commission accepts these modifications and additions in the common position since they improve and clarify the initial proposal.

4. CONCLUSION

The Commission considers that the text of the common position is a good basis for a European Parliament and Council decision.

The proposed common position is therefore acceptable to the Commission, subject to revision if necessary of the maximum and minimum percentages set out in the annex (see 3.1.2 above) and subject to inclusion of the transitional clauses discussed at the budget conciliation meeting of 24 November 2003.

The transitional clauses should be worded as follows:

“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.

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."