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*****I**

REPORT

on the proposal for a decision of the European Parliament and of the Council extending certain programmes of Community action in the field of public health adopted by Decisions No 645/96/EC, No 646/96/EC, No 647/96/EC, No 102/97/EC, No 1400/97/EC and No 1296/1999/EC and amending those Decisions
(COM(2000) 448 – C5-0400/2000 – 2000/0192(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Antonios Trakatellis

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

By letter of 25 July 2000 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 152 of the EC Treaty, the proposal for a decision of the European Parliament and of the Council extending certain programmes of Community action in the field of public health adopted by Decisions No 645/96/EC, No 646/96/EC, No 647/96/EC, No 102/97/EC, No 1400/97/EC and No 1296/1999/EC and amending those decisions (COM(2000) 448 - 2000/0192 (COD)).

At the sitting of 4 September 2000 the President of Parliament announced that she had referred this proposal to the Committee on the Environment, Public Health and Consumer Policy as the committee responsible and the Committee on Budgets and the Committee on Industry, External Trade, Research and Energy and the Committee on Women's Rights and Equal Opportunities for their opinions (C5-0400/2000).

The Committee on the Environment, Public Health and Consumer Policy had appointed Mr Antonios Trakatellis rapporteur at its meeting of 29 August 2000.

It considered the Commission proposal and the draft report at its meetings of 20 November and 4 December 2000.

At the latter meeting it adopted the draft legislative resolution by 42 votes to 1.

The following were present for the vote: Caroline F. Jackson, chairman; Alexander de Roo and Ria G.H.C. Oomen-Ruijten, vice-chairmen; Antonios Trakatellis, rapporteur; Per-Arne Arvidsson, Maria del Pilar Ayuso González, Jean-Louis Bernié (for Jean Saint-Josse), Hans Blokland, David Robert Bowie, Dorette Corbey, Chris Davies, Avril Doyle, Marialiese Flemming, Karl-Heinz Florenz, Robert Goodwill, Cristina Gutiérrez Cortines, Heidi Anneli Hautala (for Hiltrud Breyer), Roger Helmer, Christa Klauf, Hans Kronberger, Peter Liese, Jules Maaten, Minerva Melpomeni Malliori, Maria Martens (for John Bowis), Patricia McKenna, Jorge Moreira Da Silva, Rosemary Müller, Riitta Myller, Giuseppe Nisticò, Béatrice Patrie, Marit Paulsen, Encarnación Redondo Jiménez (for Cristina García-Orcóyen Tormo), Didier Rod (for Marie Anne Isler Béguin), Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, Horst Schnellhardt, Inger Schörling, Jonas Sjöstedt, Catherine Stihler, Nicole Thomas-Mauro, Kathleen Van Brempt (for Torben Lund) and Philip Whitehead.

The opinion of the Committee on Budgets is attached; the Committee on Industry, External Trade, Research and Energy and the Committee on Women's Rights and Equal Opportunities decided on 13 September and 13 November 2000, respectively, not to deliver opinions).

The report was tabled on 5 December 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Proposal for a decision of the European Parliament and of the Council extending certain programmes of Community action in the field of public health adopted by Decisions No 645/96/EC, No 646/96/EC, No 647/96/EC, No 102/97/EC, No 1400/97/EC and No 1296/1999/EC and amending those Decisions (COM(2000)448 – C5-0400/2000 – 2000/0192(COD))

The proposal is approved with the following amendments:

Text proposed by the Commission ¹

Amendments by Parliament

(Amendment 1)

Recital 6a (new)

For the programmes which are due to expire on 31 December 2000, provision is made for a two-year extension over two successive years for the period from 1 January 2001 to 31 December 2001 and for the period from 1 January 2002 to 31 December 2002, respectively, and for the annual division of the financial framework implementing the programmes in question.

Justification:

The two-year extension over two successive years (from 1 January 2001 to 31 December 2001 and from 1 January 2002 to 31 December 2002, respectively) of the four programmes which are due to expire at the end of 2000 is motivated by a desire to bridge the gap which may emerge between the end of the implementation of the previous action programmes and the adoption of the new overall action programme for public health. As a result financial provision must also be made for an annual extension, since there is a possibility that the proposal for a decision on the new Community programme may be rapidly adopted by Parliament and the Council, namely before the end of 2001.

Since in view of the preparations for the incorporation of part of the achievements of the programmes in question in the new programme, it is deemed advisable that the necessary measures be taken to ensure that the transition is smooth, thereby ensuring the continuation of the Community's actions. This is particularly important since resources must be saved from the appropriations entered in the budget for the implementation of the proposal for a decision for the new Community programme on public health (2001 to 2006), given the likelihood that the new Community programme will be adopted promptly (during 2001). Furthermore we should bear in mind that originally no provision had been made for an extension of the programmes and consequently there is no need for a multiannual extension: since the

¹ Not yet published in the OJ

intended objectives remain unchanged.

As a result the two-year extension over two successive years from 1 January 2001 to 31 December 2001 and from 1 January 2002 to 31 December 2002 respectively concerns the four programmes which expire on 31 December 2000, namely Decisions:

- 645/96/EC on the programme of Community action on health promotion, information, education and training (budget: ECU 35 m for the period 1996 to 2002),*
- 646/96/EC on the plan of action to combat cancer (budget: ECU 64 m for the period 1996 to 2000),*
- 647/96/EC on the programme of Community action for the prevention of AIDS and certain other communicable diseases (budget: ECU 49.6 m for the period 1996 to 2000) and*
- 102/97/EC on the programme of Community action for the prevention of drug dependence (budget ECU 27 m for the period 1996 to 2000).*

For the other two action programmes - Decision No 1400/97/EC on the programme of Community action on health monitoring (budget ECU 13.8 m for the period 1997 to 2001) and Decision No 1296/1999 on the programme of Community action on pollution-related diseases (budget: ECU 3.9 m for the period 1999 to 2001) provision is made for a one-year extension from 1 January 2002 to 31 December 2002, since they expire on 31 December 2001.

(Amendment 2)
Recital 6b (new)

In order to ensure a smooth and effective transition of Community actions from the existing programmes to the overall programme for health being adopted, the present decision for an extension must ensure, in specifying the extension of the financial framework of the programmes, a balanced distribution of financial aid among the action programmes.

Justification:

As regards the financial framework, bearing in mind that these programmes have run their course and have exhausted their original budget, the extension of thereof must ensure the balanced distribution of financial aid in relation to the financial framework originally adopted which is still valid.

Curiously, however, the Commission in its proposal fails to ensure, as perhaps it should have, the balanced funding of the programmes. On the contrary, some of them are singled out for special treatment and allocated increased appropriations without any justification being given. This becomes clear if one examines the original financial framework of the programmes, the annual allocation of funds and the proportions that emerge. The decision on extending the programmes must therefore seek a distribution of the appropriations earmarked for this purpose so as to ensure more balanced funding.

(Amendment 3)

The present decision shall be abrogated from the date of entry into force of the proposal for a decision of the European Parliament and of the Council adopting a Community action programme in the field of public health (2001-2006)¹.

¹ COM(2000)285.

Justification:

It is self-evident that the decision extending the validity of the six programmes, namely decisions:

- 645/96/EC on the programme of Community action on health promotion, information, education and training,*
 - 646/96/EC on the action programme to combat cancer,*
 - 647/96/EC on the programme of Community action on the prevention of AIDS and certain other communicable diseases,*
 - 102/97/EC on the programme of Community action on the prevention of drug dependence,*
 - 1400/97/EC on health monitoring,*
 - 1296/1999/EC on pollution-related diseases,*
- must be abolished as soon as the new Community action programme in the field of public health is adopted and enters into force.*

(Amendment 4)
Article 1

Extension

1. The following shall be extended from 1 January 2001 until 31 December 2002:

- (a) the programme of Community action on health promotion, information, education and training adopted by Decision No 645/96/EC,**
- (b) the plan of action to combat cancer adopted by Decision No 646/96/EC,**
- (c) the programme of action for the prevention of AIDS and certain**

Decision No 645/96/EC shall be amended as follows:

- 1) In Article 1(1) the date '31 December 2000' is replaced by '31 December 2002'.**
- 2) In Article 2(1) the words 'in accordance with Article 5' are replaced by the words 'according to the procedure provided for in Article 5a, paragraphs 2 and 3'.**
- 3) Article 3(1) is replaced by the following:**
'1. The financial framework for the implementation of the programme for the period from 1 January 1996 to 31 December 2000 shall be

other communicable diseases adopted by Decision No 647/96/EC,

- (d) *the programme of action for the prevention of drug dependence adopted by Decision No 102/97/EC.*

2. *The following shall be extended from 1 January 2002 until 31 December 2002:*

- (a) *the programme of action on health monitoring adopted by Decision No 1400/97EC,*
(b) *the programme of action on pollution-related diseases adopted by Decision No 1296/1999/EC*

EUR 35 million, for the period from 1 January 2001 to 31 December 2001, EUR 7.27 million, and for the period from 1 January 2002 to 31 December 2002, EUR 7.27 million.'

4) *Article 5 is replaced by the following articles:*

'Article 5

The measures necessary for the implementation of this Decision, as regards the matters set out below, shall be adopted in accordance with the management procedure provided for in Article 5a(3):

- (a) *an annual work programme indicating the priorities for action;*
(b) *the arrangements, criteria and procedures for selecting and financing projects under the programme, including those involving cooperation with international organisations competent in the field of public health and participation of the countries referred to in Article 6(2);*
(c) *the evaluation procedure;*
(d) *the arrangements for dissemination and transfer of results;*
(e) *the arrangements for cooperating with the institutions and organisations referred to in Article 2(2). The necessary measures for the implementation of this Decision as regards other matters shall be adopted in accordance with the advisory procedure referred to in Article 5a(2).*

Article 5a

Committee

1. *The Commission shall be assisted by a committee (hereinafter designated 'the committee').*

2. *Where reference is made to this paragraph the advisory procedure provided for in Article 3 of Decision No 1999/468/EC shall apply, subject to the provisions of Articles 7 and 8 of the decision in question.*

3. *Where reference is made to this*

paragraph, the management procedure provided for in Article 4 of Decision No 1999/468/EC shall apply, subject to the provisions of Articles 7 and 8 of the Decision in question.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be two months.

4. The committee shall draw up its own rules of procedure.

5) In Article 6:

(a) In paragraph 1 the phrase ‘in accordance with the procedure laid down in Article 5’ is replaced by the phrase ‘according to Article 5a, paragraphs 2 and 3’.

(b) Paragraph 2 shall be replaced by the following text:

‘2. This programme shall be open to participation by the following countries:

(a) the EFTA/EEA countries in accordance with the conditions provided for in the EEA agreement;

(b) the Associated Countries of Central and Eastern Europe in accordance with the conditions laid down in the Europe Agreements, the Additional Protocols to these Agreements and the decisions of the relevant Association Councils;

(c) Cyprus which shall be funded by additional appropriations, in accordance with procedures to be agreed with this country;

(d) Malta and Turkey which shall be funded by additional appropriations in accordance with the procedures set out in the Treaty;

6) Article 7 shall be replaced by the following:

‘Article 7

Monitoring and evaluation

1. In implementing this decision the Commission, acting in cooperation with the Member States, shall take all the necessary measures to ensure the monitoring and evaluation of the activities of this action programme, as provided for

in Article 1.

2. The Commission shall submit to the European Parliament and the Council a report upon completion of the programme. This report shall include the results of the evaluation referred to in paragraph 1. The report shall be submitted also to the Economic and Social Committee and the Committee of the Regions.'

Justification:

This amendment seeks to adjust the text of the decision proposed by the Commission amending the previous decisions on these programmes and to bring it in line with the provisions of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽¹⁾. The text of the Commission proposal is thus brought in line with editorial amendments to previous decisions, without any substantive changes, and the requirements of Decision 1999/468/EC regarding 'comitology'. As regards the financial framework of the decision, see the justification for Amendments 1, 2 and 3.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23

(Amendment 5)

Article 2

Budget

- 1. The total financial framework for the implementation of the programmes and plan referred to in Article 1 for the period 1 January 2001 to 31 December 2002 shall be EUR 79.1 million.**
- 2. The financial framework for the implementation for the period 1 January 2001 to 31 December 2002 of the programme of action on health promotion, information, education and training shall be EUR 8.5 million, that of the plan of action on cancer shall be EUR 31.142 million, that of the programme of action on the prevention of drug dependence shall be EUR 11.434 million and that of the programme of action on the prevention of AIDS and certain other communicable diseases shall be EUR 22.324 million.**
- 3. The financial framework for the**

Decision No 646/96/EC shall be amended as follows:

- 1) In Article 1(1) the date '31 December 2000' is replaced by '31 December 2002'.**
- 2) In Article 2(1) the words 'in accordance with the procedure laid down in Article 5' are replaced by the words 'in accordance with the procedure laid down in Article 5a, paragraphs 2 and 3'.**
- 3) Article 3(1) is replaced by the**

implementation for the period 1 January 2002 to 31 December 2002 of the programme of action on health monitoring shall be EUR 4.4 million and that of the programme of action on pollution-related diseases shall be EUR 1.3 million.

4. Annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

following:

‘1. The financial framework for implementation of this programme for the period from 1 January 1996 to 31 December 2000 shall be EUR 64 million, for the period from 1 January 2001 to 31 December 2001 EUR 13.3 million and for the period from 1 January 2002 to 31 December 2002 EUR 13.3 million.

4) Article 5 is replaced by the following articles:

‘Article 5

The necessary measures for the implementation of this Decision, as regards the matters set out below, shall be adopted according to the management procedure provided for in Article 5a(3):

- (a) an annual work programme indicating the priorities for action;*
- (b) the simplification and improvement of this plan’s basic administrative procedures, which shall be duly published;*
- (c) the arrangements, criteria and procedures for the selecting and financing of projects under this action plan, including those involving cooperation with international organisations competent in the field of public health and participation of the countries referred to in Article 6(2);*
- (d) the evaluation procedure;*
- (e) the arrangements for the dissemination and transfer of results;*
- (f) the arrangements for cooperating with the institutions and organisations referred to in Article 2(2).*

The necessary measures for the implementation of this Decision as regards other matters shall be adopted in accordance with the advisory procedure referred to in Article 5a(2).

Article 5a

Committee

1. The Commission shall be assisted by a Committee (hereinafter designated ‘the committee’).

2. Where reference is made to this paragraph, the advisory procedure

provided for in Article 3 of Decision No 1999/468/EC shall apply, subject to the provisions of Articles 7 and 8 of the Decision in question.

3. Where reference is made to this paragraph, the management procedure provided for in Article 4 of Decision No 1999/468/EC shall apply, subject to the provisions of Articles 7 and 8 of the Decision in question.

The period provided for by Article 4(3) of Decision 1999/468/EC shall be two months.

4. The committee shall draw up its rules of procedure’.

5. In Article 6:

(a) In paragraph 1 the phrase ‘in accordance with the procedure laid down in Article 5’ is replaced by the phrase ‘in accordance with Article 5a, paragraphs 2 and 3’.

(b) Paragraph 2 is replaced by the following text:

‘2. This programme shall be open to participation by the following countries:

(a) the EFTA/EEA countries in accordance with the conditions laid down in the EEA Treaty,

(b) the Associated Countries of Central and Eastern Europe in accordance with the conditions laid down in the Europe Agreements, the Additional Protocols to these Agreements and the decisions of the relevant Association Councils;

(c) Cyprus which shall be funded by additional appropriations in accordance with the procedures to be agreed with this country;

(d) Malta and Turkey which shall be funded by additional appropriations in accordance with the provisions of the Treaty.

6) Article 7(2) shall be replaced by the following text:

‘2. The Commission shall submit to the European Parliament and the Council an interim report in July 1998 and a final report upon completion thereof. The

reports shall highlight, in particular, the complementarity between this action and others provided for in Article 4. The Commission shall incorporate into these reports the results of the evaluations. It shall also send the report to the Economic and Social Committee and the Committee of the Regions.

Justification:

See the justifications in respect of Amendments 1, 2 and 3.

(Amendment 6)
Article 3

Adaptation of the committee procedure

1. Article 5 of Decisions No 645/96/EC, No 646/96/EC, No 647/96/EC, No 102/97/EC and No 1400/97/EC is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission."

(b) In paragraph 2, the second and third subparagraphs are replaced by the following:

"The management procedure laid down in Article 4 of Decision 1999/468/EC shall apply for the adoption of the measures referred to in the first sub-paragraph of this paragraph, in compliance with Article 7 and Article 8 of Decision 1999/468/EC. The period provided for in Article 4(3) of Decision 1999/468/EC shall be two months."

(c) Paragraph 3 is replaced by the following:

"3. In addition, the Commission may consult the Committee on any other matter concerning the implementation of this decision. In this case, the advisory procedure laid down in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8

Decision No 647/96/EC shall be amended as follows:

1) In Article 1(1) the date '31 December 2000' is replaced by '31 December 2002'.

2) In Article 2(1) the words 'in accordance with Article 5' are replaced by the words 'in accordance with the procedure provided for by Article 5a, paragraphs 2 and 3'.

3) Article 3(1) shall be replaced by the following:

'1. The financial framework for implementation of this programme for the period from 1 January 1996 to 31 December 2000 shall be EUR 49.6 million, for the period from 1 January 2001 to December 2001 EUR 10.07 million and for the period from 1 January 2002 to 31 December 2002 EUR 10.07 million.

4) Article 5 shall be replaced by the following articles:

'Article 5

The necessary measures for the implementation of this Decision as regards the matters set out below shall be adopted in accordance with the management procedure provided for in

thereof."

2. Article 5 of Decision No 1296/1999/EC is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission."

(b) In paragraph 2, the second, third and fourth subparagraphs are replaced by the following:

"The advisory procedure laid down in Article 3 of Decision 1999/468/EC shall apply for the adoption of the measures referred to in the first subparagraph of this paragraph, in compliance with Article 7 and Article 8 of Decision 1999/468/EC."

Article 5a(3):

- a) an annual work programme indicating priorities for action;*
- b) the arrangements, criteria and procedures for selecting and financing projects under this programme, including those involving cooperation with the international organisations competent in the field of public health and participation of the countries referred to in Article 6(2);*
- c) the evaluation procedure;*
- d) the arrangements for dissemination and transfer of results;*
- e) the arrangements for cooperating with the institutions and organisations referred to in Article 2(2).*

The necessary measures for the implementation of this Decision as regards other matters shall be adopted in accordance with the advisory procedure referred to in Article 5a, paragraph 2.

Article 5a

Committee

- 1. The Commission shall be assisted by a committee (hereinafter designated 'the committee').*
- 2. Where reference is made to this paragraph, the advisory procedure provided for in Article 3 of Decision 1999/468/EC shall apply, subject to the provisions of Article 7 and 8 of this Decision.*
- 3. Where reference is made to this paragraph, the management committee procedure provided for in Article 4 of Decision No 1999/468/EC shall apply, subject to the provisions of Articles 7 and 8 of this Decision.
The period provided for by Article 4(3) of Decision 1999/468/EC shall be two months.*
- 4. The committee shall draw up its rules of procedure.'*

- 5) *In Article 6:*
- a) *In paragraph 1 the term ‘in accordance with the procedure laid down in Article 5’ is replaced by the phrase ‘in accordance with Article 5a, paragraphs 2 and 3’.*
- b) *Paragraph 2 shall be replaced by the following text:*
‘2. This programme shall be open to participation by:
- a) *The EFTA/EEA countries in accordance with the conditions set out in the EEA Treaty;*
- b) *The Associated Countries of Central and Eastern Europe, in accordance with the conditions laid down in the Europe agreements, in the Additional Protocols to these Agreements and the decisions of the relevant Association Councils;*
- c) *Cyprus which shall be funded by supplementary appropriations in accordance with the procedures to be agreed with this country;*
- d) *Malta and Turkey which shall be funded by supplementary appropriations in accordance with the provisions of the Treaty;*
- 6) *Article 7(2) is replaced by the following text:*
2. The Commission shall submit to the European Parliament and the Council an interim report in July 1998 and a final report upon completion thereof. It shall incorporate into these reports the results of the evaluations. It shall also send these reports to the Economic and Social Committee and the Committee of the Regions’.

Justification:

See justifications in respect of ts 1, 2 and 3.

(Amendment 7)
Article 4

Participation of the EFTA/EEA countries, the associated Central and Eastern European countries, Cyprus, Malta and Turkey

The programmes referred to in Article 1 shall be open to the participation of:

- (a) The EFTA/EEA, countries in accordance with the conditions established in the EEA Agreement;*
- (b) The associated countries of Central and Eastern Europe, in accordance with the conditions laid down in the Europe Agreements, in their Additional Protocols and in the Decisions of the respective Association Councils;*
- (c) Cyprus, funded by additional appropriations in accordance with the procedures to be agreed with that country;*
- (d) Malta and Turkey, funded by additional appropriations in accordance with the provisions of the Treaty.*

Decision No. 102/97/EC shall be amended as follows:

- 1) In Article 1(1) the date '31 December 2000' is replaced by '31 December 2002'.*
- 2) In Article 2(1) the words 'in accordance with Article 5' are replaced by the following words 'in accordance with the procedure provided for in Article 5a, paragraphs 2 and 3'.*
- 3) Article 3(1) shall be replaced by the following:
'1. The financial framework for implementation of the programme for the period from 1 January 1996 to 31 December 2000 shall be EUR 27 million, for the period from 1 January 2001 to 31 December 2001 EUR 5.38 million and for the period from 1 January 2002 to 31 December 2002 EUR 5.38 million.'*
- 4) Article 5 is replaced by the following Articles:*

'Article 5

The necessary measures for the implementation of this Decision, as regards the matters set out below, shall be adopted in accordance with the management procedure provided for in Article 5a(3):

- a) an annual work programme indicating the priorities for action;*
- b) the arrangements, criteria and procedures for selecting and financing projects under the programme, including those involving cooperation with the international organisations having responsibility in the field of public health and participation of the countries referred to in Article 6(2);*
- c) the evaluation procedure;*
- d) the arrangements for dissemination and transfer of results;*
- e) the arrangements for cooperating with the institutions and organisations referred to in Article 2(2).*

The necessary measures for the

implementation of this Decision as regards other matters shall be adopted in accordance with the advisory procedure referred to in Article 5a(2).

Article 5a

Committee

- 1. The Commission shall be assisted by a committee (hereinafter designated 'the committee').*
- 2. Where reference is made to this paragraph, the advisory procedure provided for in Article 3 of Decision No. 1999/468/EC shall apply, subject to the provisions of Articles 7 and 8 of this Decision.*
- 3. Where reference is made to this paragraph, the management procedure provided for in Article 4 of Decision No. 1999/468/EC shall apply, subject to the provisions of Articles 7 and 8 of this Decision.*

The period provided for in Article 4(3) of Decision 1999/468/EC shall be two months.

- 4. The committee shall draw up its rules of procedure'.*
- 5) In Article 6:*
 - a) In paragraph 1 the phrase 'in accordance with the procedure laid down in Article 5' shall be replaced by the following 'in accordance with Article 5a, paragraphs 2 and 3'.*
 - b) Paragraph 2 shall be replaced by the following text:*

'2. This programme shall be open to participation by:

 - a) The EFTA/EEA countries in accordance with the conditions set out in the EEA agreement,*
 - b) The Associated Countries of Central and Eastern Europe in accordance with the conditions laid down in the Europe Agreements, the Additional Protocols to these Agreements and the decisions of the relevant Association Councils;*

- c) Cyprus which shall be funded with supplementary appropriations in accordance with the procedures to be agreed with this country;*
- d) Malta and Turkey which shall be funded by supplementary appropriations in accordance with the provisions of the Treaty’.*

6) Article 7(2) is replaced by the following text:

‘2. The Commission shall submit to the European Parliament and the Council an interim report in July 1998 and a final report upon completion thereof. It shall incorporate into these reports the results of the evaluations. It shall also forward these reports to the Economic and Social Committee and the Committee of the Regions.’

Justification:

See justification in respect of Amendments 1, 2 and 3.

Monitoring and evaluation

1. In the implementation of this Decision, the Commission in co-operation with the Member States shall take the necessary measures to ensure the monitoring and evaluation of the activities provided under the programmes and plan referred to in Article 1.

2. The Commission shall submit a report to the European Parliament and to the Council upon completion of the programmes and plan referred to in Article 1. It shall include in this report the results of the evaluation mentioned in the first paragraph of this Article. The report shall also be submitted to the Economic and Social Committee and to the Committee of the Regions.

Decision 1400/97/EC shall be amended as follows:

- 1) In Article 1(1) the date ‘31 December 2001’ is replaced by ‘31 December 2002’.***
- 2) In Article 2(1) the words ‘in accordance with Article 5’ is replaced by the words ‘in accordance with the procedure provided for in Article 5a, paragraphs 2 and 3’.***
- 3) Article 3(1) is replaced by the following:***
‘1. The financial framework for the implementation of this programme for the period from 1 January 1997 to 31 December 2001 shall be EUR 13.8 million and for the period from 1 January 2002 to 31 December 2002 EUR 4.4 million.

4. Article 5 is replaced by the following articles:

‘Article 5

The necessary measures for the implementation of this Decision, as regards the matters set out below, shall be adopted in accordance with the management procedure provided for in Article 5a(3):

- a) an annual work programme indicating priorities for action;***
- b) the arrangements, criteria and procedures for selecting and financing projects under the programme, including those involving cooperation with the international organisations competent in the field of public health and participation of the countries referred to in Article 6(2);***
- c) the evaluation procedure;***
- d) the provisions applicable to reporting of the data, conversion thereof and other methods for making the data comparable in order to achieve the objective referred to in Article 1(2);***
- e) the arrangements for dissemination and transfer of results;***

- f) the arrangements for cooperating with the institutions and organisations referred to in Article 2(2);*
 - g) the provisions for the definition and selection of indicators;*
 - h) the provisions for the content specifications necessary for the setting up and operations of the networks.*
- The necessary measures for the implementation of this Decision as regards other matters shall be adopted in accordance with the advisory procedure referred to in Article 5a(2).*

Article 5a

Committee

- 1. The Commission shall be assisted by a committee (hereinafter designated 'the committee').*
- 2. Where reference is made to this paragraph, the advisory procedure provided for in Article 3 of Decision No 1999/468/EC shall apply, subject to the provisions of Articles 7 and 8 of this decision.*
- 3. Where reference is made to this paragraph, the management procedure provided for in Article 4 of Decision No 1999/468/EC shall apply, subject to the provisions of Articles 7 and 8 of this Decision.*
The period provided for in Article 4(3) of Decision 1999/468/EC shall be two months.
- 4. The committee shall draw up its rules of procedure'.*
- 5) In Article 6:*
 - a) In paragraph 1 the phrase 'in accordance with the procedure laid down in Article 5' is replaced by the following 'in accordance with Article 5a, paragraphs 2 and 3'.*
 - b) Paragraph 2 is replaced by the following text:*
'2. This programme shall be open to participation by:
 - a) The EFTA/EEA countries in*

- accordance with the conditions laid down in the EEA Treaty;*
- b) The Associated Countries of Central and Eastern Europe, in accordance with the conditions laid down in the Europe Agreements, the Additional Protocols to these Agreements and the decisions of the relevant Association Councils;*
 - c) Cyprus which shall be funded with supplementary appropriations in accordance with the procedures to be agreed with this country;*
 - d) Malta and Turkey which shall be funded by supplementary appropriations in accordance with the provisions of the Treaty'.*

Justification:

See justification in respect of amendments 1, 2 and 3.

(Amendment 9)
Article 5a (new)

Decision No. 1296/1999/EC shall be amended as follows:

- 1) In Article 1(1) the date '31 December 2001' is replaced by '31 December 2002'.*
- 2) In Article 2(1) the words 'in accordance with Article 5' are replaced by the following: 'in accordance with the procedure provided for by Article 5a, paragraph 2'.*
- 3) Article 4(1) shall be replaced by the following:
'1. The financial framework for implementation of the programme for the period from 1 January 1999 to 31 December 2001 shall be EUR 1.3 million and for the period from 1 January 2002 to 31 December 2002 EUR 1.3 million.'*
- 4) Article 5 is replaced by the following Articles:*

'Article 5

The necessary measures for the implementation of this Decision, as regards the matters set out below, shall be adopted in accordance with the advisory procedure provided for in Article 5a(2):

- a) the criteria and procedures for selecting and financing projects under this programme;*
- b) the procedure for monitoring and continuous evaluation as referred to in Article 7.*

Article 5a

Committee

1. The Commission shall be assisted by a committee (hereinafter designated 'the committee').

2. Where reference is made to this paragraph, the advisory procedure provided for in Article 3 of Decision No. 1999/468/EC shall apply, subject to the provisions of Articles 7 and 8 of this decision.

3. The committee shall draw up its rules of procedure'.

5) In Article 6:

a) In paragraph 1 the phrase 'in accordance with the procedure laid down in Article 5' is replaced by the following 'in accordance with Article 5a, paragraph 2'.

b) Paragraph 2 is replaced by the following text:

'2. The programme shall be open to participation by:

a) The EFTA/EEA countries, in accordance with the conditions laid down in the EEA Treaty;

b) The Associated Countries of Central and Eastern Europe, in accordance with the conditions laid down in the Europe Agreements, the Additional Protocols to these agreements and the decisions of the relevant Association Councils;

c) Cyprus which shall be funded with supplementary appropriations in accordance with the procedures to be agreed with this country;

d) Malta and Turkey which shall be funded by supplementary appropriations in accordance with the provisions of the Treaty’.

Justification:

See justification in respect of amendments 1, 2 and 3.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council extending certain programmes of Community action in the field of public health, adopted by Decisions No 645/96/EC, 646/96/EC, 647/96/EC, 102/97/EC, 1400/97/EC and 1296/1999/EC and amending those Decisions (COM(2000) 448 – C5-0400/2000 – 2000/0192(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2000) 448¹),
 - having regard to Article 251(2) and Article 152 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0400/2000),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy and the opinion of the Committee on Budgets (A5-0377/2000),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend its proposal substantially or replace it with another text
 3. Instructs its President its position to the Council and Commission.

¹ Not yet published in the OJ.

EXPLANATORY STATEMENT

1. Background to the proposal for a decision

On 25 July 2000, the Commission submitted a proposal for a decision extending certain programmes of Community action in the field of public health adopted by Decisions No 645/96/EC, No 646/96/EC, and No 647/96/EC. No 102/97/EC, No 1400/97/EC and No 1296/1999/EC and amending those Decisions¹.

In specific terms, the proposal entails amending the following decisions:

- Decision No 645/96/EC on the programme of Community action on health promotion, information, education and training² (budget of ECU 35 m for the period 1996-2000),
- Decision No 646/96/EC on the action plan to combat cancer³ (budget of ECU 64 m for the period 1996-2000),
- Decision No 647/96/EC on the programme of Community action on the prevention of AIDS and certain other communicable diseases⁴ (budget of ECU 49.6 m for the period 1996-2000),
- Decision No 102/97/EC on the programme of Community action on the prevention of drug dependence⁵ (budget of ECU 27 m for the period 1996-2000),
- Decision No 1400/97/EC on the programme of Community action on health monitoring⁶ (budget of ECU 13.8 m for the period 1997-2001),
- Decision No 1296/99/EC on the programme of Community action on pollution-related diseases⁷ (budget of ECU 3.9 m for the period 1999-2001).

The European Parliament was requested to examine the proposal for a decision to extend the six programmes on 4 September 2000.

2. Remarks on the procedure

The Commission proposal is based on Article 152 of the EC Treaty (ex-129) concerning public health and the decision-making procedure is laid down in Article 251 (ex-189b), i.e. it is a codecision procedure between the European Parliament and the Council. The decisions on the six action programmes were also approved in the past on the same legal basis (public health) and under the codecision procedure.

As regards the financial framework for the proposal, Article 152(2) of the Treaty confers directly on the Commission special responsibilities which may have financial implications for the budget. As already agreed pursuant to paragraph 33 of the interinstitutional agreement between the European Parliament, the Council and the Commission on budgetary discipline

¹ COM(2000)448, final of 25 July 2000.

² OJ L 95, 16.4.1996, p. 1.

³ OJ L 95, 16.4.1996, p. 9.

⁴ OJ L 95, 16.4.1996, p. 16.

⁵ OJ L 19, 22.1.1997, p. 25.

⁶ OJ L 268, 3.10.1998, p. 1.

⁷ OJ L 155, 22.6.1999, p. 7.

and improvement of the budgetary procedure¹, 'legislative acts concerning multiannual programmes adopted under the codecision procedure contain a provision in which the legislative authority lays down the financial framework for the programme for its entire duration' and 'that amount will constitute the prime reference for the budgetary authority during the annual budgetary procedure'. The Commission's legislative proposal therefore comprises entering appropriations separately for each one of the programmes involved and proposes that they be extended by one or two years depending on the programme under consideration.

However, despite the fact that the Commission had included the proposal to extend the programmes in February 2000 in its annual legislative programme² - intending to announce it on 29 March 2000 – it did not approve and submit the proposal to extend the programmes in due time, only doing so some months later (25 July 2000). This delay created a disjuncture between the procedure for drawing up the budget for the year 2001 and consideration of the legislative proposal to extend the programmes, which led to the appropriations being entered after the event. This came about because, according to the interinstitutional agreement on legal bases, the Commission must specify the legal basis for the legislative proposal in due time and present it, together with the relevant appropriations; before the preliminary draft budget (PDB) is submitted and the draft budget (DB) drawn up, so that the necessary time is available for the competent budgetary authority to consider the proposal.

In this specific case, Parliament considered the proposal to extend the programmes after the PDB had been submitted and the DB had been examined by Parliament in a bid to eliminate the disjuncture between the adoption of the legislative proposal to extend the programmes and the related procedure for adopting the budget.

3. Assessment of the Commission's proposal

The purpose of the proposal is to extend the action programmes on health which expire on 31 December 2000 (decisions 645/96/EC, 646/96/EC, 647/96/EC and 102/97/EC) and 31 December 2001 (Decision 1400/97/EC and 1296/99/EC) and to bring those decisions into line with the Council's decision laying down the procedures for the exercise of implementing powers conferred on the Commission³ (comitology). The programmes concerned were adopted pursuant to the new responsibilities for public health conferred by the Treaty of Maastricht, and form part of the implementation of the guidelines contained in the Commission's communication on the framework for action in the field of public health⁴. The aim of the proposal to extend the programmes is to ensure the continuity of the Community's measures in the field of public health with a view to the adoption by the European Parliament and the Council of a proposal for a decision on the new action programme in the field of public health (2001-2006)¹. To avoid the suspension of the measures covered by the expiring programmes, those programmes should be continued until the new global programme for public health has been adopted by the European Parliament and the Council.

¹ OJ C 172, 18.6.1999, p. 1.

² COM(2000) 155 final of 9 February 2000.

³ OJ L 184, 17.7.1999, p. 23.

⁴ COM(1993)559 final of 24 November 1993.

¹ COM(2000) 285 final of 16 May 2000.

As regards the substance of the extension of these six programmes, the proposal does not alter their objectives but only extends their period of validity by one or two years, and submits a proposal for a financial framework for each programme. The total financial cost of the proposal amounts to 79.1 m euro, broken down as follows:

- for the Community action programme on health promotion, information, education and training (Decision 645/96/EC), an extension for the period 2001-2002 with a budget of 8.5 m euro,
- for the action plan to combat cancer (Decision 646/96/EC), an extension for the period 2001-2002 with a budget of 31.142 m euro,
- for the Community action programme on the prevention of AIDS and certain other communicable diseases (Decision 647/96/EC), an extension for the period 2001-2002 with a budget of 22.324 m euro,
- for the Community action on the prevention of drug dependence (Decision 102/97/EC), an extension for the period 2001-2002 with a budget of 11.434 m euro,
- for the Community action programme on health monitoring (Decision 1400/97 EC) an extension of one year (1 January 2002 - 31 December 2002) with a budget of 4.4 m euro,
- and for the Community programme on pollution-related diseases (Decision 1296/99), an extension of one year (1 January 2002 - 31 December 2002), with a budget of 1.3 m euro.

In addition, the Commission's proposal attempts to adjust the programmes in regard to the provisions on comitology, in the light of the Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, and the provisions relating to the participation of the EFTA/EEA countries, the associated countries of Central and Eastern Europe, Cyprus, Malta and Turkey.

4. Rapporteur's remarks and conclusions

The Commission's proposal has been submitted to Parliament after a long and unwarranted delay which raises a question mark over the continuation of the measures to protect public health in 2001, which are extremely important. Indeed, in the case of the four programmes which expire on 31 December 2000, there is a clear threat that the measures will be suspended and that, consequently, the projects and their related networks will cease to operate. That scenario will occur if there are two readings by the European Parliament in application of the codecision procedure, making it impossible to adopt the proposal before the Spring of 2001. Parliament is now being asked to rectify the consequences of the Commission's poor planning by speeding up the procedure for adopting the proposal for a decision and by trying to reach agreement with the Council at first reading, so that it will be possible to adopt the decision before the programmes expire.

Moreover, with a view to incorporating some of the achievements of the programmes into the new global programme, it would be expedient to take the necessary measures to achieve a smooth transition, while also ensuring the continuity of the Community's measures. It is therefore particularly important to save on resources from the appropriations entered in the budget for implementing the proposal for a decision for the new Community programme in the field of public health (2001-2006), especially given the probability that the new Community programme will be adopted on time (in 2001). On this point, the Commission's proposal is seriously flawed on two accounts.

The first flaw consists in its laying down a two-year extension without allowing for the possibility of fixing the financial framework for those programmes which expire on 31 December 2000 on an annual basis. It is not necessary to approve a straight two-year extension of the programmes because the extension is an attempt to bridge the gap which might be created between the expiry of the previous actions programmes and the adoption of the new global action programme in the field of public health for 2001-2006. Making provision for an annual extension of financing covers the possibility that Parliament and the Council proceed promptly to adopt the proposal for a decision on the new Community programme, even before the end of 2001. A successive annual extension is therefore proposed, with a separate financial framework, (1 January 2001 to 31 December 2001 and 1 January 2002 to 31 December 2002 respectively) for the four programmes which expire at the end of 2000.

The second flaw in the Commission's proposal lies in the division of the total financial framework (79.2 m euro) among the programmes to be extended. Given that these programmes have run their course and have used up their original budgets, it must be ensured in extending them that the support provided is balanced and in proportion to the original and still current financial framework. Strangely, however, the Commission's proposal does not uphold, as perhaps it should have, the balance in the support provided for the programmes. On the contrary some programmes receive special treatment and have had their appropriations increased with no justification. This is obvious if we look at the original financial framework for the programmes, the annual allocation breakdown and what this represents in proportional terms. We must also take account of the fact that the actual objectives pursued by the programmes remain the same. Consequently, the decision to extend the programmes should attempt to allocate the appropriations in a way which achieves a better balance between the financial support provided.

Moreover, the proposal to change the allocation of appropriations among the programmes fully complies with the principle of financial neutrality, i.e. it does not entail a further financial burden on the Union's budget (see attached table).

As regards the complete restructuring of the Commission's proposal, the substance of the proposal has not been altered. It is considered necessary, however, to rework the Commission's proposal within a structure which accommodate the amendments to each decision relating to the programmes for the sake of consistency. At the same time, your rapporteur has sought to bring the decisions into line with the provisions of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. The text of the Commission's proposal has therefore been altered to take account of editorial requirements without making changes to the substance, and to take account of the requirements of Decision 1999/468/EC concerning 'comitology'.

Your rapporteur would point out that his preliminary contacts with the representatives of the Council and the Commission indicated that the above amendments would be acceptable.

TABLE OF THE FINANCIAL FRAMEWORK ON THE SIX HEALTH PROGRAMMES: EXTENSION PROPOSAL

	Decision	Budget (period)	<i>Commission</i> (1)	Rapporteur's Proposal 2001 (2)	Rapporteur's Proposal 2002 (3)	Rapporteur's proposal 2001+2002 (4)	Rapporteur's proposal- Commission (4)-(1)	Joint proposal 2001* (5)	Joint proposal 2002* (6)	Joint proposal 2001+2002 (7)	Joint proposal - Commission (7)-(1)
1.	645/96/EC	35 (1996-2000)	8.5	7	5.5	12.5	+ 4.0	7.27	7.27	14.54	+ 6.04
2.	646/96/EC	64 (1996-2000)	31.142	13.5	14.5	28.0	- 3.142	13.3	13.3	26.6	- 4.542
3.	647/96/EC	49.6 (1996-2000)	22.324	9.5	11.2	20.7	- 1.624	10.07	10.07	20.14	- 2.184
4.	102/97/EC	27 (1996-2000)	11.434	4.5	6	10.5	- 0.934	5.38	5.38	10.76	- 0.674
5.	1400/97/EC	13.8 (1997-2001)	4.4	-	5.8	5.8	+ 1.4	-	4.4	4.4	-
6.	1296/99/EC	3.9 (1999-2001)	1.3	-	1.6	1.6	+ 0.3	-	1.3	1.3	-
Total		193.3	79.1	34.5	44.6	79.1	0	36.02	41.65	77.74	- 1.36

* Joint proposal (in accordance with a proportional calculation depending on the duration of the programmes and the amounts allocated, including administrative costs) After agreement with the rapporteur, the representatives of the Commission and the Council Presidency.

BREAKDOWN OF ADMINISTRATIVE EXPENDITURE (in million €)

	2001	2002
Decision 645/96/EC	0.27	0.27
Decision 646/96/EC	0.50	0.50
Decision 647/96/EC	0.38	0.38
Decision 102/97/EC	0.21	0.21
Decision 1400/97/EC		0.27
Decision 1296/99/EEC		0.125
TOTAL	1.36	1.755
GRAND TOTAL	3.115	

23 November 2000

23 NOVEMBER 2000

OPINION

of the Committee on Budgets

for the Committee on the Environment, Public Health and Consumer Policy

on the proposal for a decision of the European Parliament and of the Council extending certain programmes of Community action in the field of public health adopted by Decisions No 645/96/EC, No 646/96/EC, No 647/96/EC, No 102/97/EC, No 1400/97/EC and No 1296/1999/EC and amending those Decisions
(COM(2000) 448 – C5-0400/2000 – 2000/192 (COD))

Draftsman: Terence Wynn

PROCEDURE

The Committee on Budgets appointed Terence Wynn draftsman at its meeting of 14 September 2000.

It considered the draft opinion at its meeting of 22-23 November 2000.

At this meeting it adopted the following amendments unanimously.

The following were present for the vote: Terence Wynn, chairman and draftsman; Reimer Böge, vice-chairman; Jean-Louis Bourlanges, Salvador Garriga Polledo, Neena Gill, Catherine Guy-Quint, Jutta D. Haug, David W. Martin, Jan Mulder, Juan Andrés Naranjo Escobar, Samuli Pohjamo (for Luciana Sbarbati pursuant to Rule 153(2)), Per Stenmarck, Antonios Trakatellis (for Carlos Costa Neves pursuant to Rule 153(2)), Francesco Turchi, Kyösti Tapio Virrankoski, Ralf Walter, Brigitte Wenzel-Perillo.

SHORT JUSTIFICATION

The purpose of this proposal is to prolong the existing Community health programmes until the new global programme under preparation - COM(2000) 285 final - is adopted.

In order to prevent any interruption, the current legal proposal aims to ensure the continuity of the legal basis.

The rapporteur underlines however that it is of the Commission responsibility to ensure continuity through realistic timetable and to look to avoid vacuums and overlapping. Therefore he considers that the Commission cannot present in parallel the legal basis to prolong the existing programmes for two years (2001 and 2002) and the one for the new global programme which aims to cover all the previous ones, starting on 1st January 2001. Taking a security margin of two years is against sound management. The codecision procedures foresee strict deadlines for Parliament. Council should respect them too.

The financial envelope should be adapted to one transitional year only and remain a global reference amount in the legislative text according to the IIA of 6 May 1999. The annual breakdown being decided within the budgetary procedure.

AMENDMENTS

The Committee on Budgets calls on the Committee on the Environment, Public Health and Consumer Policy, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission ¹	Amendments by Parliament
(Amendment 1) Article 1	
1. The following shall be extended from 1 January 2001 until 31 December 2002 :	1. The following shall be extended from 1 January 2001 until 31 December 2001 :
2. <i>The following shall be extended from 1 January 2002 until 31 December 2002:</i>	<i>(deleted)</i>
<i>(a) the programme of action on health monitoring adopted by Decision No 1400/97EC,</i>	
<i>(b) the programme of action on pollution-related diseases adopted by Decision No 1296/1999/EC.</i>	
<i>Justification:</i>	
<i>The Commission's initiative responsibilities to ensure the continuity of the Community programmes should not create excessive legislation.</i>	
(Amendment 2) Article 2 Budget	
1. The total financial framework for the implementation of the programmes and plan referred to in Article 1 for the period 1 January 2001 to 31 December 2002 shall be EUR 79.1 million.	1. The total financial framework for the implementation of the programmes and plan referred to in Article 1 for the period 1 January 2001 to 31 December 2001 shall be EUR 36.7 million.
2. <i>The financial framework for the implementation for the period 1 January 2001 to 31 December 2002 of</i>	2. <i>(Deleted).</i>

¹ OJ C not yet published.

the programme of action on health promotion, information, education and training shall be EUR 8.5 million, that of the plan of action on cancer shall be EUR 31.142 million, that of the programme of action on the prevention of drug dependence shall be EUR 11.434 million and that of the programme of action on the prevention of AIDS and certain other communicable diseases shall be EUR 22.324 million.

3. *The financial framework for the implementation for the period 1 January 2002 to 31 December 2002 of the programme of action on health monitoring shall be EUR 4.4 million and that of the programme of action on pollution-related diseases shall be EUR 1.3 million.*

4. Annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

3. *(Deleted)*

4. Annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Justification:

According to article 33 of IIA of 6 May 1999, the amount in the legislative text constitutes a prime reference. The decision on the breakdown is taken within the annual procedure.