



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0268/2014

4.4.2014

REPORT

on the draft Council regulation on the methods and procedure for making available the traditional, VAT and GNI-based own-resources and on the measures to meet cash requirements (recast)
(05603/2014 – C7-0037/2014 – 2011/0185(CNS))

Committee on Budgets

Rapporteur: Jean-Luc Dehaene, Anne E. Jensen

(Recast – Rule 87 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council regulation on the methods and procedure for making available the traditional, VAT and GNI-based own-resources and on the measures to meet cash requirements (recast)

(05603/2014 – C7-0037/2014 – 2011/0185(CNS))

(Special legislative procedure – consultation – recast)

The European Parliament,

- having regard to the Council draft (05603/2014),
- having regard to the Commission proposal to the Council (COM(2011)0742),
- having regard to Article 322(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0037/2014),
- having regard to its resolution of 29 March 2007 on the future of the European Union's own resources¹,
- having regards to its resolution of 8 June 2011 on investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe²,
- having regards to its resolution of 13 June 2012 on the Multiannual Financial Framework and own resources³,
- having regard to its resolution of 23 October 2012 in the interest of achieving a positive outcome of the Multiannual Financial Framework approval procedure⁴,
- having regard to its resolution of 13 March 2013 on the European Council conclusions of 7-8 February 2013 concerning the Multiannual Financial Framework⁵,
- having regard to its resolution of 3 July 2013 on the political agreement on the Multiannual Financial Framework 2014-2020⁶,
- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts⁷,
- having regard to the letter of 6 March 2012 from the Committee on Legal Affairs to the Committee on Budgets in accordance with Rule 87(3) of its Rules of Procedure,

¹ OJ C 27 E, 31.1.2008, p. 214.

² OJ C 380 E, 11.12.2012, p. 89.

³ OJ C 332 E, 15.11.2013, p. 42.

⁴ Texts adopted, P7_TA(2012)0360.

⁵ Texts adopted, P7_TA(2013)0078.

⁶ Texts adopted, P7_TA(2013)0304.

⁷ OJ C 77, 28.3.2002, p. 1.

- having regard to Rules 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A7-0268/2014),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Approves the Council draft as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

The proposal for draft Council Regulation on the methods and procedures for making available the traditional and GNI-based own resources and the measures to meet cash requirements is part of the package on the reform of the own resources system presented by the Commission in 2011. It is a recast of existing legislation in order to ensure that cash requirements are met under the new structure of own resources. The provisions are based on the existing Regulation No 1150/2000 implementing Decision 2007/436 EC on the system of the European Communities own resources (amended by Council Regulation No 105/2009). The relevant legal basis for this regulation lays in Article 322 (2) of the TFEU.

The draft presented by the Council does not significantly alter the proposal of the Commission, except for adjusting it to the final outcome of MFF/ OR negotiations, where the proposals for a new VAT-own resource and an FTT own resource did not receive support in the Council.

All in all, and based on the favourable opinion of the JURI committee, the Rapporteurs recommend adopting the present draft Council Regulation without any modifications.

ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

Ref.: D(2012)12426

Mr Alain Lamassoure
Chair of the Committee on Budgets
ASP 13E207
Brussels

*Subject: Amended proposal for a Council Regulation on the methods and procedure for making available the traditional and GNI-based own resources and on the measures to meet cash requirements (recast)
(COM(2011)0742 – C7-0204/2011 – 2011/0185(CNS))*

Dear Chairman,

The Committee on Legal Affairs, which I am honoured to chair, has examined the proposal referred to above, pursuant to Rule 87 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 156 and 157, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, if in accordance with point 8 of the Interinstitutional Agreement, the committee responsible intends also to submit amendments to the codified parts of the proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 54, of its position on the amendments and whether or not it intends to withdraw the recast proposal."

Following the opinion of the Legal Service, whose representatives participated in the meetings of the Consultative Working Party examining the recast proposal, and in keeping with the recommendations of the draftsperson, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

In conclusion, after discussing it at its meeting of 1 March 2012, the Committee on Legal Affairs, by 22 votes in favour and no abstention¹, recommends that your Committee, as the committee responsible, proceed to examine the above proposal in accordance with Rule 87.

Yours faithfully,

Klaus-Heiner LEHNE

Encl.: Opinion of the Consultative Working Party.

¹ The following were present for the final vote: Klaus-Heiner Lehne (Chair), Evelyn Regner (Vice-Chair), Raffaele Baldassarre (Vice-Chair), Françoise Castex (Vice-Chair), Sebastian Valentin Bodu (Vice-Chair), Luigi Berlinguer, Piotr Borys, Cristian Silviu Buşoi, Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Kurt Lechner, Eva Lichtenberger, Antonio Masip Hidalgo, Jiří Maštálka, Alajos Mészáros, Angelika Niebler, Bernhard Rapkay, Dagmar Roth-Behrendt, Alexandra Thein, Rainer Wieland, Cecilia Wikström, Jacek Włosowicz, Tadeusz Zwiefka.

**ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL
SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE
COMMISSION**



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 10 January 2012

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a Council regulation on the methods and procedures for making available
the traditional and GNI-based own-resources and the measures to meet cash
requirements (recast)
COM(2011)0742 of 9.1.2011 – 2011/0185(CNS)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 28 November 2011 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a Council Regulation recasting Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 2007/436/EC, Euratom on the system of the European Communities own resources resulted in the Consultative Working Party's establishing by common accord that, as regards the explanatory memorandum accompanying the proposal, in order to be drafted in full compliance with the relevant requirements laid down by the Inter-institutional Agreement such a document should have stated the reasons for each proposed substantive amendment, as is provided for under point 6(a)(ii) of that agreement, and should have specified which provisions of the earlier act remain unchanged in the proposal, as is provided for under point 6(a)(iii).

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments

¹ The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

PROCEDURE

Title	The methods and procedure for making available the traditional and GNI-based own resources and the measures to meet cash requirements (recast)	
References	05603/2014 – C7-0037/2014 – COM(2011)0512 – COM(2011)0742 – C7-0204/2011 – 2011/0185(CNS)	
Date of consulting Parliament	18.7.2011	
Committee responsible Date announced in plenary	BUDG 13.9.2011	
Committee(s) asked for opinion(s) Date announced in plenary	JURI 13.9.2011	
Rapporteur(s) Date appointed	Anne E. Jensen 28.9.2011	Jean-Luc Dehaene 28.9.2011
Date adopted	1.4.2014	
Result of final vote	+: 20 -: 1 0: 1	
Members present for the final vote	Marta Andreasen, Zuzana Brzobohatá, Jean Louis Cottigny, Göran Färm, Věra Flasarová, Salvador Garriga Polledo, Jens Geier, Ivars Godmanis, Ingeborg Gräßle, Jutta Haug, Monika Hohlmeier, Sidonia Elżbieta Jędrzejewska, Anne E. Jensen, Ivailo Kalfin, Jan Kozłowski, Jan Mulder, Juan Andrés Naranjo Escobar, Andrej Plenković, László Surján, Helga Trüpel, Angelika Werthmann	
Substitute(s) present for the final vote	Paul Rübig	
Date tabled	4.4.2014	