



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Decision No 1855/2006/EC establishing the Culture Programme (2007 to 2013)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. On 12 December 2006 the European Parliament and the Council adopted Decision No 1855/2006/EC establishing the Culture programme for the period 2007 to 2013. This programme aims to promote the transnational mobility of cultural players, encourage the transnational circulation of cultural and artistic works and develop intercultural dialogue.
2. To achieve its objectives, the programme proposes three actions to support specific activities. Project promoters wishing to receive grants are required to follow a procedure for calls for proposals which results in the Commission making selection decisions concerning proposals for the award of grants; as measures to implement the programme, these must follow a specific interinstitutional procedure.
3. Under Article 202 of the Treaty establishing the European Community, the Council, in the acts which it adopts, confers on the Commission powers to implement the rules which the Council lays down and may impose certain requirements in respect of the exercise of these powers.
4. These requirements come under the heading of 'comitology'. This means that it is compulsory to consult a committee on the implementing measures which are determined by the basic instrument, and this must be done prior to their adoption by the Commission. This committee is composed exclusively of representatives of the Member States. It is chaired by the Commission.
5. There are various types of committee procedure, as set out in Council Decision No 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Council Decision No 2006/512/EC. The basic instrument establishing the Commission's implementing powers may provide for the application of these various procedures in order to carry out the implementing measures.
6. The 'comitology' Decision also gives Parliament the right to monitor the implementation of legislative instruments adopted under the codecision procedure. This right of scrutiny allows Parliament to contest any measures envisaged by the Commission which it thinks would exceed the implementing powers provided for in the basic instrument, as this could impinge on its powers of codecision.
7. The European Parliament has one month in which to examine a draft measure before the Commission makes the formal decision. This period begins to run when the definitive proposed implementing measure is transmitted to Parliament after the committee has delivered its formal opinion.
8. Decision No 1855/2006/EC establishing the Culture programme provides that a set of measures necessary to implement the programme shall be adopted by the Commission in accordance with the procedures provided for in the 'comitology' Decision.
9. When the programme was being negotiated, the legislator had clearly defined the selection decisions to be submitted to the committee. The management procedure referred to in Articles 4 and 7 of Decision No 1999/468/EC was intended for multi-

annual cooperation projects. The other selection decisions were not intended to be subject to a committee procedure. In such a case the Commission had undertaken to inform the programme committee and the European Parliament immediately of any selection decisions which would not be subject to the management procedure. This agreement was set out in a declaration by the Commission to the Council and the European Parliament.

10. The agreement was based on the nature of the programme's actions, which concern a relatively high number of beneficiaries whose activities depend largely on Community support. In fact the majority of grants are awarded to projects of limited duration whose life cycle is incompatible with lengthy decision-making procedures, and to cultural organisations to cover their running costs, thus also involving limited sums. In such a case the committee procedure can provide little added value and, moreover, it places a disproportionate burden on the programme's administration. This agreement was thus based on an interinstitutional consensus with a view to simplifying procedures and reducing the time required for making decisions concerning potential beneficiaries.
11. While the wording of Decision No 1855/2006/EC correctly incorporates the legislator's wishes concerning the selection decisions to be submitted to the management committee, the legislator's intentions were not properly transposed in that Decision insofar as all other measures, including selection decisions, were made subject to the consultative procedure referred to in Articles 3 and 7 of Decision No 1999/468/EC rather than requiring the Commission to provide immediate information to the programme committee and the European Parliament.
12. The programme committee is thus consulted in accordance with the management procedure for selection decisions which are expressly provided for in Article 8(2) of Decision No 1855/2006/EC, namely in relation to multi-annual cooperation projects. *A contrario*, Article 8(3) of the same Decision stipulates that all other selection decisions are made in accordance with the consultative procedure.
13. This wording of Decision No 1855/2006/EC causes serious problems in the implementation of the actions and measures provided for by the programme.
14. Making selection decisions subject to the consultative procedure actually delays their adoption by two to three months. Applicants must therefore wait longer before being informed of a decision concerning their proposals. Yet the projects concerned are generally planned to begin within a short timeframe. As a result, these extended timeframes risk causing delays in awarding grants and may jeopardise the viability of many projects. Moreover, these time constraints run counter to the principles of simplicity and proximity which guide the implementation of the programme and therefore have a direct impact on its effectiveness.
15. Temporary solutions have been devised in order to reduce the time required for systematic consultation of the programme committee and the consequent right of scrutiny. The programme committee has agreed to amend its rules of procedure in order to reduce the time required for consultations concerning selection decisions which are subject to the consultative procedure. The committee now uses the written procedure and has a period of five days in which to comment on the selection decisions submitted for its opinion. The European Parliament has also accepted a

temporary arrangement, for cases for which there was a prior agreement between the Commission and Parliament, which reduced the time required for its right of scrutiny from one month to five days during the previous summer period.

16. While these ad hoc arrangements and temporary solutions have helped to solve the more immediate problems, experience has shown that it is important to put in place a long-term solution in order to be able to offer programme beneficiaries an assurance concerning the time required to award their grants.
17. A definitive solution to the problem posed by making selection decisions subject to the consultation procedure will require a technical amendment to Decision No 1855/2006/EC. The current consultative procedure will disappear and will be replaced, on the basis of a Commission declaration, by a procedure whereby the Commission provides the programme committee and the European Parliament with immediate information on the selection decisions which it adopts.
18. This draft amendment of Decision No 1855/2006/EC is based on the legislator's original intention when the Decision was being negotiated.
19. The proposal to amend Decision No 1855/2006/EC will thus make it possible to reduce by two to three months the time required for grants to be awarded and to ensure effective implementation of the activities and measures covered by the programme. The programme committee and the European Parliament will immediately be informed of the selection decisions. This amendment will also help to strengthen the principles of simplification and proportionality of the procedures by making them faster and more efficient in the interests of grant recipients.
20. Three other decisions adopted by the European Parliament and the Council, which establish programmes in the areas of education, youth and citizenship, include similar provisions concerning the breakdown of selection decisions between the management procedure and the consultative procedure and cause the same problems regarding the implementation of selection decisions. A similar revision of these basic instruments is planned in parallel with this proposal for an amendment.

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 151(5), first indent, thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴,

Whereas:

- (1) Decision No 1855/2006/EC of the European Parliament and of the Council⁵ established the Culture programme for the period 2007 to 2013.
- (2) Article 8(3) of Decision No 1855/2006/EC stipulates that other measures necessary for the implementation of the programme which are not listed in paragraph 2 shall be adopted in accordance with the procedure referred to in Article 9(3) of that Decision, namely in accordance with the consultative procedure established by Council Decision No 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission⁶.
- (3) This wording of Decision No 1855/2006/EC results in particular in selection decisions other than those referred to in Article 8(2) being subject to the consultative procedure and to the European Parliament's right of scrutiny.

¹ OJ C, p. .

² OJ C, p. .

³ OJ C, p. .

⁴ OJ C, p. .

⁵ OJ L 378, 27.12.2006, p.22.

⁶ OJ L 184, 17.07.1999, p.23 - Decision amended by Decision No 2006/512/EC (OJ L 200, 22.07.2006, p.11)

- (4) Yet these selection decisions mainly concern projects of limited duration whose life cycle is incompatible with lengthy decision-making procedures and which do not involve politically sensitive decision-making.
- (5) These procedural requirements add two to three months to the process of awarding grants to applicants. They cause many delays for recipients, place a disproportionate burden on the programme's administration and provide no added value given the nature of the grants awarded.
- (6) It is therefore necessary to amend Decision No 1855/2006/EC in order to allow selection decisions to be implemented more quickly and efficiently.

HAVE DECIDED AS FOLLOWS:

Article 1

The following paragraph 2a shall be incorporated into Article 8 of Decision No 1855/2006/EC:

"2a. Where the Commission adopts decisions, in accordance with the present Decision, on the award of grants other than those listed in paragraph 2, it shall adopt these decisions without the assistance of a committee."

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, [...]

For the European Parliament
The President

For the Council
The President