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NOTE

From: Presidency
To: Delegations

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Subject: Proposal for a COUNCIL DECISION amending Decision 2003/76/EC establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel

Delegations will find attached a Presidency text on the Proposal for a COUNCIL DECISION amending Decision 2003/76/EC establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel with a view to the Research Working Party meeting on 23 October 2017. Changes to the previous text (doc. 11947/17) are indicated in **bold underlined** for additions and in ~~strike through~~ for deletions.

Proposal for a

COUNCIL DECISION

amending Decision 2003/76/EC establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Protocol, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel, and in particular Article 2, first paragraph thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Under Article 97 of the Treaty establishing the European Coal and Steel Community (ECSC), the Treaty expired on 23 July 2002. **All assets and liabilities of the ECSC were transferred to the European Union on 24 July 2002.**

- (2) The Protocol annexed to the Treaty establishing the European Community, (hereinafter referred to as ‘the Protocol’) **takes note of the desire to use the funds of the ESCS for research in sectors related to the coal and steel industry and, therefore, the necessity to provide for certain special rules in this regard. By virtue of the Protocol, transferred the assets and liabilities of the ECSC to the European Community and allocated the net worth of these assets and liabilities, as they appear in the balance sheet of the ECSC of 23 July 2002, is considered as assets intended for research in the sectors related to coal and steel industry, referred to as the "ECSC in liquidation". On completion of the liquidation, they will be referred to as the "assets of the Research fund for Coal and Steel".**
- (3) The Protocol also **provides that** assigned the revenue from these assets, **referred to as the "Research Fund for Coal and Steel", must be used exclusively** for research, outside the research framework programme, in the sectors related to the coal and steel industry in accordance with the provisions of the Protocol and of acts adopted on the basis hereof.
- (4) Due to the exceptional decrease of the revenue stemming from the assets ECSC in liquidation due to the low interest situation on the capital markets in recent years, dedicated to research in the sectors related to the coal and steel industry, it is necessary to revise the rules on the cancellation of commitments made under the research programme of the Research Fund for Coal and Steel so as to **make them available** ~~authorise their recycling~~ in the research programme. **Moreover, amounts corresponding to cancellations of commitments that have occurred since 24 July 2002 should also be made available to the Research Fund for Coal and Steel.**
- (5) For the same reason, it is also necessary to revise the rules on the amounts recovered under the research programme of the Research Fund for Coal and Steel so as to **carry them over** ~~authorise their recycling~~ in the research programme under the relevant provisions of the Financial Regulation on assigned revenues¹.

¹ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

Decision 2003/76/EC is amended as follows:

(1) In Article 4, paragraphs 4 and 5 ~~is~~ replaced by the following:

‘4. Unused revenue and appropriations deriving from this revenue still available on 31 December in any given year as well as **amounts recovered** ~~de commitments made under the research programme of the Research Fund for Coal and Steel~~ shall be carried over automatically to the following year. These appropriations may not be transferred to other budget items.

~~The amount corresponding to cancellations of commitments made since 6 February 2003 to the research programme of the Research Fund for Coal and Steel shall be made available upon the entry into force of the present Decision.~~

5. Budgetary appropriations corresponding to cancellations of commitments shall automatically lapse at the end of each financial year. Provisions for commitments released as a result of the cancellations shall be made available to the Research Fund for Coal and Steel.

~~(2) In Article 4, paragraph 5 is deleted.~~

Article 1a

The amount corresponding to cancellations of commitments made since **24 July 2002 pursuant to Article 4(5) of Decision 2003/76/EC** ~~to the research programme of the Research Fund for Coal and Steel~~ shall be made available **to the Research Fund for Coal and Steel** upon the entry into force of the present Decision.

Article 2

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

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

The President
