



**COUNCIL OF
THE EUROPEAN UNION**

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REPORT

From: Presidency

To: Permanent Representatives Committee

No. Cion doc.: 14048/13 FIN 564 (COM(2013) 639 final)

Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, EURATOM) No 966/2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (**first reading**)

- *Analysis of the final compromise text with a view to agreement*

1. On 26 September 2013, following the political agreement on the MFF Regulation for the period 2014-2020, the Commission submitted a proposal for the revision of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (hereinafter referred to as the "Financial Regulation").
2. This proposal intends to amend Article 13 of the Financial Regulation in order to make it possible to carry over commitment appropriations to the next financial year for the Emergency Aid Reserve (EAR) and for projects financed under the Connecting Europe Facility (CEF).

3. The European Court of Auditors delivered its opinion on 20 December 2013¹.
4. The Budget Committee examined the Commission proposal at several meetings between December 2013 and February 2014.
5. On 12 February 2014, the European Parliament's Committee on Budgets adopted its report and negotiation mandate. Apart from the acceptance of the automaticity of the carry-overs for both the EAR and the CEF, the report included an amendment taking into account the outcome of negotiations on the Common Provisions Regulation on Structural and Investment Funds, in relation to the performance reserve and the financial instruments in favour of SMEs.
6. On 26 February 2014, the Permanent Representatives Committee mandated the Presidency to start negotiations with the European Parliament on the basis of a compromise text on Article 13 of the Financial Regulation.
7. On 20 March 2014, the three institutions met in a trilogue. The Annex to this report presents the outcome of the trilogue.
8. The Permanent Representatives Committee is invited to:
 - give its approval to the outcome of the trilogue set out in the Annex to this report;
 - mandate the Presidency to inform the European Parliament that, should the European Parliament adopt the text of the Regulation in the exact form set out in the Annex - subject to legal-linguistic revision - at a forthcoming Plenary meeting, the Council would adopt the Regulation thus amended.

¹ OJ C 4, 8.1.2014, p. 1.

**REGULATION (EU, Euratom) No .../2014 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

of

**amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the
general budget of the Union**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 322 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the Court of Auditors¹,

Acting in accordance with the ordinary legislative procedure²,

Whereas:

- (1) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council³ was adopted on 25 October 2012 and was accompanied by a joint statement of the European Parliament, the Council and the Commission agreeing to revise that Regulation in order to take into account the outcome of the negotiations on the multiannual financial framework for the years 2014-2020.

¹ OJ C 4, 8.1.2014, p. 1.

² Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of ...

³ 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).

- (2) Following the adoption of Council Regulation (EU, Euratom) No 1311/2013¹ and Regulation (EU) No 1316/2013 of the European Parliament and of the Council², and in line with the joint statement, it is necessary to amend Regulation (EU, Euratom) No 966/2012 to include the carry-over rules for the Emergency Aid Reserve and for projects financed under the Connecting Europe Facility.
- (3) As regards the Emergency Aid Reserve, the corresponding appropriations are entered in Title "Reserves" of the general budget of the Union. Therefore, it is necessary to amend Regulation (EU, Euratom) No 966/2012 in order to provide for the carry-over to year $n+1$ of the appropriations placed in reserve and not used in year n .
- (4) Due to their nature, projects financed under the Connecting Europe Facility will in many cases require complex contracting procedures. Therefore, even limited delays in the completion of such projects may result in a loss of annual commitment appropriations and undermine the viability of those projects and thus of the Union's political determination to modernise its transport, energy and telecommunications networks and infrastructure. To prevent this, Regulation (EU, Euratom) No 966/2012 should allow for the carry-over to the following financial year of commitment appropriations not used by the end of each of financial years 2014, 2015 and 2016 for projects financed under the Connecting Europe Facility. The carry-over should be approved by the European Parliament and by the Council.

¹ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 on the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

² Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

- (5) Following the adoption of Regulation (EU) No 1303/2013 of the European Parliament and of the Council¹, it is necessary to amend Regulation (EU, Euratom) No 966/2012 in order to make decommitted appropriations available again for the purposes of the implementation of the performance reserve and the uncapped guarantee and securitisation financial instruments in favour of small and medium-sized enterprises ("SMEs"),

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU, Euratom) No 966/2012

Regulation (EU, Euratom) No 966/2012 is hereby amended as follows:

- (1) Article 13 is amended as follows:

- (a) Paragraph 2 is amended as follows:

- (i) the following point is added to the first subparagraph:

"(c) amounts corresponding to commitment appropriations for the Emergency Aid Reserve."

- (ii) the following subparagraph is added:

"The amounts referred to in point (c) of the first subparagraph may be carried over to the next financial year only.";

¹ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

(b) Paragraph 6 is replaced by the following:

"6. Without prejudice to point (c) of paragraph 2 of this Article and Article 14, appropriations placed in reserve and appropriations for staff expenditure shall not be carried over. For the purposes of this Article, staff expenditure comprises the remuneration and allowances for members and staff of the institutions to which the Staff Regulations apply."

(2) The title of Title II of Part Two is replaced by the following:

"TITLE II

STRUCTURAL FUNDS, COHESION FUND, EUROPEAN FISHERIES FUND,
EUROPEAN AGRICULTURAL FUND FOR RURAL DEVELOPMENT, FUNDS IN THE
AREA OF FREEDOM, SECURITY AND JUSTICE MANAGED IN SHARED
MANAGEMENT AND CONNECTING EUROPE FACILITY"

(3) In Article 178, the following paragraph is added:

"2a. The decommitted appropriations shall be made available again in the event of:

- (a) the decommitment of appropriations from a programme under the arrangements for the implementation of the performance reserve established in Article 20 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council¹;
- (b) the decommitment of appropriations from a programme dedicated to the specific financial instrument in favour of SMEs following the discontinuance of the participation of a Member State in the financial instrument, as referred to in the seventh subparagraph of Article 39(2) of Regulation (EU) No 1303/2013.

¹ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

(4) The following Article is inserted:

"Article 178a

Carry-over of commitment appropriations for the Connecting Europe Facility

1. For the financial years 2014, 2015 and 2016, commitment appropriations for projects financed under the Connecting Europe Facility established by Regulation (EU) No 1316/2013¹ not yet committed at the end of the financial year may be carried over to the next financial year only.
2. The Commission shall submit carry-over proposals in respect of the preceding financial year to the European Parliament and to the Council by 15 February of the current financial year.
3. The European Parliament and the Council, the latter acting by qualified majority, shall deliberate upon each carry-over proposal by 31 March of the current financial year.
4. The carry-over proposal shall be approved if, by the deadline set out in paragraph 3, any of the following occurs:
 - (a) the European Parliament and the Council approve it;
 - (b) either the European Parliament or the Council approves it and the other institution refrains from acting;
 - (c) the European Parliament and the Council refrain from acting or do not take a decision to refuse it."

¹ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).