



European Economic and Social Committee

NAT/202

LIFE

Brussels, 25 September 2003

OPINION

of the European Economic and Social Committee

on the

**Proposal for a Regulation of the European Parliament and of the Council amending
Regulation (EC) No. 1655/2000 concerning the Financial Instrument for the Environment
(LIFE)**

COM(2003) 402 final - 2003/0148 (COD)



On 16 July 2003 the Council decided to consult the European Economic and Social Committee, under Article 175(1) of the Treaty establishing the European Community, on the

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No. 1655/2000 concerning the Financial Instrument for the Environment (LIFE)
COM(2003) 402 final - 2003/0148 (COD).

The Bureau of the European Economic and Social Committee instructed the Section for Agriculture, Rural Development and the Environment to prepare the Committee's work on the subject.

At its 402nd plenary session (meeting of 25 September 2003), the European Economic and Social Committee decided, in view of the urgency of the matter, to appoint **Mr Chiriaco** rapporteur-general and adopted the following opinion by 56 votes to one with one abstention:

1. **Gist of the Commission proposal**

At the time of the adoption of Regulation (EC) No. 1655/2000 concerning the Financial Instrument for the Environment (LIFE)¹, the Commission had proposed a *management committee* to oversee its implementation since the choice of projects was a measure with substantial budgetary implications.

1.1 The Council unanimously rejected the Commission proposal regarding the committee procedure to be applied, and specified in Article 11(2) that the *regulatory procedure* provided for in Article 5 of Decision 1999/468/EC be used for the adoption of measures implementing Regulation (EC) No. 1655/2000.

1.2 The Commission therefore brought an action before the Court for the annulment of the provision in question.

1.3 In its judgment of 21 January 2003², the Court of Justice annulled Article 11(2) of Regulation (EC) No. 1655/2000, arguing that management measures relating to the implementation of a programme with substantial budgetary implications within the meaning of Article 2(a) of Decision 1999/468/EC fall in principle under the *management procedure* defined in Article 4 of Decision 1999/468/EC or, in some circumstances, in accordance with Article 2(c) of that Decision, under the advisory procedure defined in Article 3 thereof.

¹ OJ L 192, 28.7.2000, p. 1

² Judgment of the Court of 21.1.2003, Commission v. European Parliament and Council, Case C-378/00, not yet published in the Court Reports

1.4 In accordance with the Court's judgment, the Commission is proposing a regulation to amend Regulation (EC) No. 1655/2000 as regards the committee procedure to be followed, the effect of which will be to replace the regulatory committee by a management committee for the adoption of measures implementing Regulation (EC) No. 1655/2000.

2. General comments

2.1 The Committee notes the Court's decision and supports the Commission proposal to replace the regulatory committee by a management committee for the adoption of measures implementing Regulation (EC) No. 1655/2000.

3. Specific comments

3.1 While giving its support, the Committee calls on the Commission to ensure that the management committee works transparently and efficiently. The Commission should also promote the dissemination of the committee's decisions and, where appropriate, should organise wide-ranging consultations involving representatives of civil society.

4. Conclusions

4.1 The Committee welcomes the Commission proposal to amend Regulation (EC) No. 1655/2000 as regards the committee procedure to be followed.

Brussels, 25 September 2003.

The president
of the
European Economic and Social Committee

The secretary-general
of the
European Economic and Social Committee

Roger Briesch

Patrick Venturini