

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91) 35 final

Brussels, 6 February 1991

Amendment to the proposal for a

COUNCIL REGULATION (EEC)

ON ACTION BY THE COMMUNITY RELATING TO NATURE CONSERVATION (ACNAT)

(presented by the Commission pursuant to Article 149(3)
of the EEC-Treaty)

EXPLANATORY MEMORANDUM

1. On May 21 1990, the Commission presented to the Council a proposal for a regulation on action by the Community relating to nature Conservation (ACNAT)⁽¹⁾ as adopted by the Commission on May 11 1990.⁽²⁾

On December 13 1990, the European Parliament adopted with a large majority 27 amendments to the Commission proposal.

2. 5 of these amendments related to the recitals, 8 related to the articles and 5 related to the annexes are, at least partly, acceptable to the Commission as far as they are dealing with improvements or clarifications of the initial text.
3. Therefore the Commission has decided, pursuant to Article 149 (3) of the EEC Treaty, to amend the initial proposal for a regulation, as follows.

(1) OJ No. C 137 of 6.6.1990,
p.6

(2) COM(90) 125 final

Recital 7a(new)

Whereas the success of Community action for preserving the natural areas protected by Directive .../.../EEC (habitats), wild birds protected by Directive 79/409/EEC, and the species protected by the International Conventions on nature conservation, depends on additional funding that should be considered when drawing up the financial instrument for the environment (LIFE).

Recital 9a (new)

Whereas it is important that Member States allocate money for ACNAT, particularly as nature conservation was declared a priority at the 1990 Dublin summit;

Recital 10

Whereas in the absence of applications from a Member State, the Commission should, in exceptional cases, be able to take the initiative and propose measures to counter threats of extinction or direct risks of disappearance, to meet needs which transcend frontiers or to deal with particularly urgent problems in the context of the Berne Convention, or the Bonn Convention;

- (11) OJ No L 38 of 10.2.1982, p. 1
- (12) OJ No L 210 of 19.7.1982, p; 10

Whereas in the absence of applications from a Member State, the Commission should, in exceptional cases, be able to take the initiative and propose measures to counter threats of extinction or direct risks of disappearance, to meet needs which transcend frontiers or to deal with particularly urgent problems in the context of the Berne Convention, the Ramsar Convention^{1a} or the Bonn Convention;²

- (11) OJ No L 38 of 10.2.1982, p. 1
- (11a) OJ No L 21 of 28.1.1975, p. 24
Commission Recommendation of
20 December 1974
- (12) OJ No L 210 of 19.7.1982, p. 10

Recital 11a (new)

Whereas the opinion of competent non-governmental organizations should be taken into consideration when considering the success of this Regulation.

Whereas ACNAT simplifies the procedure in force under Regulation No. 2242/87 so that nature conservation projects can receive their money more quickly.

Article 2(1)

1. To be eligible for financial support, a project shall be of interest to the Community and of interest in terms of protection of the environment and/or the management of natural resources.

The level of the Community's contribution shall depend on the extent to which it is shown that the project concerned corresponds to such interests.

1. To be eligible for financial support, a project shall directly contribute to the conservation of the biotopes or habitats defined in Article 1(1)(a) or the species defined in Article 1(1)(b).

Unchanged.

Article 3(1)

1. Applications for financial support for projects shall be sent to the Commission by the Member States and shall contain:

- for the projects referred to in Article 1(1)(a), the information specified in the Annex;
- for the projects referred to in Article 1(1)(b), the information needed to justify action at Community level.

1. Applications for financial support for projects shall be sent to the Commission by the Member States and shall contain the information specified in the Annex.

Delete

Delete

Article 3(2)(c)

(c) contributing to the solution of particularly urgent problems in the context of the Berne Convention or the Bonn Convention.

(c) contributing to the solution of particularly urgent problems in the context of the Berne Convention, the Ramsar Convention, or the Bonn Convention.

Article 5(1)

1. The Commission shall decide whether to grant or refuse financial support for projects after consulting the Advisory Committee referred to in Article 4 and on the basis of the opinions delivered by that

1. The Commission shall decide whether to grant or refuse financial support for projects after consulting the Advisory Committee referred to in Article 4. (Delete 11 words)

Financial support may be granted to natural persons, or to legal persons constituted in accordance with national law, who are responsible for the project.

Financial support may be granted to natural persons, or to legal persons, who are responsible for the project. (Delete 6 words)

If the creation of a legal entity with the legal capacity to carry out a project involves additional costs for the participants, the project may be carried out simply by cooperation between natural or legal persons. In that case, responsibility for complying with the obligations resulting from Community support shall be specified in the contract to be concluded with the Commission.

Delete two sentences.

Article 8

The Commission shall present an annual report on the implementation of this Regulation to the European Parliament, the Council and the Economic and Social Committee.

The Commission shall present an annual report on the implementation of this Regulation to the European Parliament, the Council and the Economic and Social Committee, in which also a list of the unsuccessful applications is included.

It shall seek the opinions of the representatives of the competent non-governmental organizations on the overall operation of this Regulation, and a summary of these opinions shall be annexed to the annual report.

Article 10 (1a) (new)

1a. At the end of the third year of implementation of the regulation, and on the basis of the information provided in accordance with the provisions of Article 8, and of the experience acquired, the Commission shall propose, if appropriate, the establishment of a system to monitor all the measures for which Community financial support has been granted.

Article 10(2)

2. The Council, acting by qualified majority on a proposal from the Commission, shall decide whether to extend or amend this Regulation.

2. The Council, acting by qualified majority on a proposal from the Commission, and after consulting the European Parliament, shall decide whether to extend or amend this Regulation.

List of particulars to be provided under Article 3 for the projects referred to in Article 1 (1) (a)

- The location of the site in question, and, where necessary, a map showing the boundaries of the area covered by the project.
- The importance of the site to the Community for the conservation of nature and, as appropriate, the degree of the risk to the biotopes and species concerned.
- The nature and extent of the problems which the project is intended to resolve, and in particular the nature and gravity of the threat.
- A detailed description of the project, and in particular of the organization of its management and of the results expected.
- The timetable for carrying out the project.
- The cost of the project, its viability and the financing arrangements proposed.
- The extent to which Community financial support is urgently needed in order to implement the project.
- Any other evidence in support of the application.
- The protection provided for the site in question at present and the protection planned.
- The proposed method of disseminating the results of the project.

List of particulars to be provided under Article 3 for the projects (5 words deleted)

- The location of the site in question, and, where necessary, a map showing the boundaries of the area covered by the project (*).
- The importance of the site to the Community for the conservation of nature and, as appropriate, the degree of the risk to the biotopes and species concerned (*).
- The nature and extent of the problems which the project is intended to resolve, and in particular the nature and gravity of the threat.
- A detailed description of the project, and in particular of the organization of its management and of the results expected.
- The timetable for carrying out the project.
- The cost of the project, its viability and the financing arrangements proposed.
- The extent to which Community financial support through ACNAT is urgently needed in order to implement the project.
- Indications concerning the relation of the project to measures financed by the Structural Funds.
- Indications concerning the preparation of a management plan for the site in question or the species concerned.
- Any other evidence in support of the application.
- The protection provided for the site in question at present and the protection planned (*).
- The proposed method of disseminating the results of the project.

(*) shall apply only to projects referred to in Article 1(1)(a).

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