Forests: protection against fire (amend. Regulation (EEC) No 2158/92)

1999/0160(COD) - 19/12/2000 - Modified legislative proposal

Council Regulations 307/97/EC amending Regulation 3528/86/EEC on the protection of the Community's forests against pollution and 308/97/EC amending Regulation 2158/92/EEC on the protection of the Community's forests against fire take Article 43 of the Treaty as their legal basis. The sole aim of the proposed regulations is to adapt the legal basis of the two regulations concerned following a Court judgement of 30 April 1997 to the effect that the legal basis for those two Regulations must be Article 130s of the Treaty (now Article 175 of the Treaty).(Refer to COD/99/159). The financial allocation for these two measures has been adusted in line with the actual budget allocations for 1997-2000 and those provided for in the 2001 PDB. The original versions of these proposals were presented to the Commission on 22 July 1999. On 6 July 2000, the European Parliament approved the Commission proposals at first reading, subject to 12 amendments. In light of these developments, the Commission has drafted two amended proposals. The Commission has made two types of amendments: - firstly, in response to the first reading by the European Parliament, a number of new provisions have been accepted; - secondly, the modified proposals also take into account the amounts actually set aside in the budget for the period 1997-2000 and those in the PDB for 2001. The Commission was able to accept 8 amendments proposed by the Parliament. Most of these were concerning policy or technical issues. The amendments or important parts of amendments that the Commission was unable to accept relate to: - a 10% increase in the financial reference amounts allocated in 1997 (i.e. to EUR 44 million for Regulation 3528/86/EEC and EUR 77 million for Regulation 2158/92/EEC, and - replacing the regulatory procedure with the advisory procedure. In view of the amounts actually set aside in the budget for the period 1997-2000, the increase proposed by Parliament would result in an increase of EUR 37 million in the budget for 2001. In other words, instead of the EUR 16 million proposed in the PDB for 2001 (heading B2-515 - Forestry) and subsequently confirmed during the budget procedure by both arms of the budgetary authority, provision should have been made for EUR 53 million. The amendment of the committee procedure does not comply with Article 2(b) of Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission.