Legal bases and maximum amounts. Communication and interinstitutional statements

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In its Communication to the budgetary authority the Commission proposed that measures be taken to improve the implementation of the Joint Declaration of 1982 on maximum amounts and the need for a legal basis, this with a view to eliminating the shortcomings of the existing practice in respect of both the provisions applying to the legal bases and the maximum amounts. As regards non-significant actions (NSA): - the Commission (in the same way as the budgetary authority when it creates a budget line of its own initiative) should establish clearly by way of suitable justification that the proposed action really does constitute a non-significant action; - it should not be possible to carry out limited actions for more than two years without a legal basis. After this deadline has passed the action should either be cancelled or result in the adoption of a legal basis; - In practical terms a legal basis should be proposed before the end of the second year of the action's existence. However, the action could still be undertaken as a limited action for one further year so as to enable the decisional process to be concluded and to allow the possible re-scheduling of the project as a significant action; - By contrast, in the budget for the year n+3, the line concerned could no longer be executed without adopting a legal basis; if a legal basis is adopted, the conversion to a significant action is concluded; otherwise, the appropriations provided for are transferred under the Notenboom procedure. As regards significant actions (SA): - the Commission would undertake to submit a proposal for a legal basis as quickly as possible during the first half-year of the budget for which the significant action is set up; - for the implementation of appropriations, and where the legal basis would not be acquired in the month of May, a trialogue would be called on to give its opinion on the possibility of the appropriations at least being implemented in parallel during the budget year in question, and if necessary for this deadline to be extended until the end of the following year; - the execution of the appropriations would not be possible beyond this period, unless a legal basis has been successfully adopted; the appropriations provided for would then be transferred under the Notenboom procedure. It should be noted that the Commission was to concentrate its budget discharge efforts on those lines which had been allocated more than 5 million ecus in the draft budget for 1995. It therefore carried out an inventory of the significant actions for which no legal basis had hitherto existed, distinguishing between lines which were the subject of a proposal and those which were not.