

**Schleswig-Holsteinischer Landtag
Umdruck 16/592**

Finanzministerium | Postfach 71 27 | 24171 Kiel

Herrn
Vorsitzenden des Finanzausschusses
des Schleswig-Holsteinischen Landtages
Günter Neugebauer, MdL
Landeshaus

24105 Kiel

nachrichtlich:

Herrn Präsidenten
des Landesrechnungshofes
Schleswig-Holstein
Dr. Aloys Altmann
Hopfenstr. 30
24103 Kiel

Ihr Zeichen:
Ihre Nachricht vom:
Unser Zeichen: VI 216
Unsere Nachricht vom:

Mathias Zobel
Mathias.Zobel@fimi.landsh.de
Telefon: 0431 988 4022
Telefax: 0431 988-4173

17. Februar 2006

Berichtsauftrag aus der Finanzausschusssitzung am 19.1.2006

Zu TOP 1: EU-Strukturförderung

Weiterleitung einer Finanzausschussvorlage des MJAE

Sehr geehrter Herr Vorsitzender,

anliegend übersende ich Ihnen die Vorlage des Ministeriums für Justiz, Arbeit und Europa
„Berichtsauftrag aus der Finanzausschusssitzung am 19.1.2006
Zu TOP 1: EU-Strukturförderung“ mit der Bitte um Kenntnisnahme.

Mit freundlichen Grüßen

gez.

Dr. Arne Wulff

Staatssekretär

Ministerium für Justiz, Arbeit und Europa
des Landes Schleswig-Holstein | Postfach 71 45 | 24171 Kiel

An den
Vorsitzenden des
Finanzausschusses
des Schleswig-Holsteinischen Landtags
Herr Günter Neugebauer MdL
Landeshaus

24105 Kiel

Ihr Zeichen: /
Ihre Nachricht vom:
Mein Zeichen: /
Meine Nachricht vom: /

Hans Peter Mallkowsky
E-Mail: Hans-Peter Mallkowsky@jumi.landsh.de
Telefon: 0431 988-2140/
Telefax: 0431 988-2103

13. Februar 2006

Sehr geehrter Herr Vorsitzender,

der Finanzausschuss hatte darum gebeten, das weitere Entscheidungsverfahren auf EU-Ebene zur Finanziellen Vorausschau nach der aktuellen Beschlussfassung des Europäischen Parlaments sowie eventueller Auswirkungen darzustellen.

Dieser Bitte komme ich mit diesem Schreiben gerne nach.

Der Haushaltsausschuss des Europäischen Parlaments hat in seiner außerordentlichen Sitzung am 11.01.2006 bei einer Gegenstimme und einer Enthaltung eine vom Berichterstatter Reimer Böge vorbereitete Entschließung angenommen. Danach lehnt das Parlament den gemeinsamen Standpunkt des Europäischen Rates über die Finanzielle Vorausschau vom 16. Dezember 2005 in der jetzigen Form ab, weil er keinen Haushalt gewährleiste, der Wohlstand, Solidarität und Sicherheit für die Zukunft gewährleisten würde.

Kritisiert wird der Ratskompromiss in der vorliegenden Form insofern, als zentrale Forderungen des Europäischen Parlaments zur Gesamthöhe und stärkerer Konzentration auf Politikbereiche wie Forschung, Bildung, Innen und Justiz sowie Außenbeziehungen nicht ausreichend Rechnung getragen wurde. Außerdem sehe er keinen detaillierten Flexibilitätsmechanismus vor und lege die

Rolle des Parlaments bei dessen Überprüfung nicht fest. Die EntschlieÙung ist vom Plenum am 18.01.06 verabschiedet worden.

Die zwischen den Staats- und Regierungschefs erzielte Einigung um die Finanzielle Vorausschau ist nur ein Verfahrensschritt, da laut der „Interinstitutionelle Vereinbarung (IIV) vom 6. Mai 1999 zwischen dem Europäischen Parlament, dem Rat und der Kommission über die Haushaltsdisziplin und die Verbesserung des Haushaltsverfahrens“ eine neue Finanzielle Vorausschau erst dann greifen kann, wenn eine entsprechende IIV für diesen Zeitraum vorliegt. Die gegenwärtige IIV läuft Ende 2006 aus. Sollte darüber keine Einigung mit dem Europäischen Parlament erzielt werden, würde ab 2007 der Haushalt jährlich gem. Art. 272 EGV ausgehandelt werden, was insbesondere für die Strukturfonds ein Verlust an Planungssicherheit bedeuten würde.

Aus Sicht des Europäischen Parlaments gab es keine Alternative zu der Ablehnung der Finanziellen Vorausschau. Anderenfalls hätte sich das Europäische Parlament alle Einflussmöglichkeiten zu deren Veränderung beraubt. Das Europäische Parlament verfolgt mit der Ablehnung der Finanziellen Vorausschau verschiedene Ziele:

1. Gleichberechtigte Mitsprache bei den 2009 beginnenden Reformdiskussionen über die künftige Einnahmen- und Ausgabenstrukturen des EU-Haushalts gleichberechtigt mit Rat und Kommission.
2. Stärkung seiner Rolle im Rahmen der künftigen IIV (u.a. bei der Verwendung ungenutzter Mittel im Rahmen eines Flexibilitätsinstruments)
3. Veränderungen der Finanziellen Vorausschau bezogen auf Gesamthöhe und inhaltlicher Ausrichtung

Das Europäische Parlament fordert konkret eine Erhöhung der Gesamtausgaben von 1,045 % EU-BNE auf 1,05 %. Nach unserer Kenntnis wird das Europäische Parlament unter keinen Umständen Mittelverlagerungen zu Lasten der Strukturfonds vornehmen. Während Equal und Urban als eigenständige Programme nicht weiter fortbestehen, aber deren Inhalte im Rahmen des neuen Ziel-2 fortgeführt werden, erfährt Interreg eine politische Aufwertung und wird als neues eigenständiges Ziel-3 „Europäische Territoriale Zusammenarbeit“ weitergeführt.

Im Rahmen der Finanziellen Vorausschau haben sich die Mitgliedsstaaten auf eine Finanzausstattung für das neue Ziel-3 von 7,5 Mrd. € geeinigt, die 2,5 % der Strukturfondsmittel entspricht. Der deutsche Mittelanteil für den Zeitraum 2007 bis 2013 beträgt 851 Mio., wobei noch keine innerstaatliche Mittelverteilung zwischen den Ländern und Fördergebieten vorgenommen worden ist. In jedem Fall kann aber davon ausgegangen werden, dass sowohl die deutsch-dänische grenzüber-

schreitende Zusammenarbeit als auch die transnationale Zusammenarbeit im Ost- und Nordsee-
raum eine Fortsetzung erfahren werden.

Auf der Sitzung des Haushaltsausschusses des Europäischen Parlaments vom 24. Januar 2006
stellte Haushaltskommissarin Grybauskaitė den überarbeiteten Vorschlag der Kommission für die
Erneuerung der Interinstitutionellen Vereinbarung (IIV) zur Finanziellen Vorausschau vor. Dabei
machte sie deutlich, dass dieser Vorschlag mit den drei neuen Aspekten „mehr Flexibilität“, „Glo-
balisierungsanpassungsfonds“ und „umfassende Überprüfung des EU-Haushalts in den Jahren
2008/2009“ nicht alle Elemente enthalte, die das Europäische Parlament in seiner Position ange-
sprochen habe.

Der Vorschlag sei allerdings als Gesamtpaket mit dem Brief des Kommissionspräsidenten Barroso
(siehe Anhang) zu sehen. Dieser enthalte weitere Schlüsselemente, zu denen die Kommission
zum jetzigen Zeitpunkt keine Position beziehe, die aber im Zuge der Verhandlungen über die IIV
geklärt werden sollen.

Dieser Vorschlag wurde in der Ausschussberatung als unzureichend bezeichnet. Insbesondere sei
die Kommission dem Europäischen Parlament bisher nur in wenigen Punkten entgegengekom-
men.

Die österreichische Ratspräsidentschaft will bis Ende März/Anfang April die Verhandlungen mit
dem Europäischen Parlament abschließen, ansonsten könnten nicht alle der insgesamt 36
Rechtsakte zur Umsetzung der Finanziellen Vorausschau und der Strukturfondsverordnungen
fristgerecht verabschiedet werden. Für die Zustimmung des Parlaments ist die einfache Mehrheit
der Abgeordneten erforderlich.

Sobald der Ratsvorsitz ein offizielles Verhandlungsmandat hat, beginnen die Arbeiten im Trilog.
Der weitere Zeitplan im Europäischen Parlament sieht wie folgt aus:

Februar /März	Verhandlungen zur IIV
21. Februar 2006	2. Trilog mit Rat und Kommission
24. April 2006	Abstimmung im Haushaltsausschuss
1. Maihälfte	Debatte und Abstimmung im Plenum

Mit freundlichen Grüßen
gez. Uwe Döring

Minister

<EntPE>EUROPEAN PARLIAMENT </EntPE>

2004



2009

<Commission>Committee on Budgets</Commission>

2.2.2006

<TitreType>**WORKING DOCUMENT No.**
4</TitreType>

<Titre>on "First reaction to the revised version of the Interinstitutional Agreement proposed by the Commission on 1 February 2006"</Titre>

<Commission>Committee on Budgets</Commission>

Rapporteur: <Depute>Reimer Böge

INTRODUCTION

Following the request made by the European Parliament in its resolution voted on 1 December 2005, the Commission has adopted a revised version of the Interinstitutional Agreement on 1 February 2006. This document was accompanied by a letter from President Barroso to President Borrell and to Chancellor Schüssel.

With a view to facilitating the negotiations on the Interinstitutional Agreement, the rapporteur in his working document no 3¹, has presented 11 key points reflecting the Parliament's political priorities based on its negotiating position. In the same document, the rapporteur has also recalled that the European Parliament's priorities for the next FP-IIA are both of a quantitative and qualitative nature. The 'key points' for the IIA are of fundamental importance in terms of the global agreement the European Parliament wants to achieve.

These points are only a part of the European Parliament's requests. The European Parliament will have other amendments on the text of the agreement. The rapporteur is mindful that the whole Interinstitutional Agreement is a complement of the Financial Perspective. The more the financial framework is limited the more the European Parliament must insist on effectiveness of the procedures and contents of the IIA. The approach that the parts of the IIA which are not changed would be automatically accepted, will not be supported by the European Parliament.

Out of 11 key points relating to major quantitative and qualitative elements, the revised draft IIA² has taken on board only two of them in partial form:

- flexibility: the annual amount of which is increased from 200 to 700 million per year over the period and a broader scope covering unforeseen needs but also multi-annual requirements (4,9 billion over the period). This amount is far from what the European Parliament had proposed.
No mention is made regarding facilitation of the heavy mobilisation procedure. Such flexibility instruments will not enable to implement systematically underfinanced programmes.
- the Solidarity Fund (up to 1 billion per year) has been taken out of the financial framework. The Globalisation Fund (up to 500 million per year) which is a request from the Council also remains outside.

Concerning the other 'key points', they are not reflected in the revised version of the IIA. Most of them are mentioned in the letter referred to in the opening paragraph with a rather weak formulation and no clear commitment by the Commission in favour of Parliament's requests or prerogatives compared to Council's priorities.

This also applies to the review clause which will take the form of a White Paper to be

¹ PE 367.953v01-00

² COM(2005)0036

presented by the Commission in 2008-2009 covering all aspects of EU spending and resources. No mention is made of the European Parliament's role in the decision of extension, modification or confirmation of the provisions in place. Furthermore no mention is made of a binding roadmap.

In this regard, the rapporteur considers that the Commission revised proposal cannot serve as the basis for fair negotiations between the European Parliament and Council. The rapporteur is of the opinion that the Commission did not show sufficient leadership concerning the IIA.

Mindful of the need to avoid any delay in the preparatory work for the negotiations, the rapporteur gives indications on how, in his opinion, the 'key points' should be treated in the IIA to reflect the European Parliament's priorities. A full revised version of the IIA, covering all points, will be presented as a second step on time for the next triilogue.

1. Flexibility

The Institutions acknowledge that flexibility mechanisms are necessary to face unforeseen needs and unexpected crises during the next financial period, as well as to finance non-programmed actions. The creation of reserves for flexibility is an integral part of the overall Interinstitutional Agreement. The reserves for flexibility are placed outside the financial framework. The global amount for flexibility should represent up to 0.03% of EU cumulated GNI over a seven years period.

Should the need for financing an unforeseen event or a new initiative occur, the Commission will indicate whether it is feasible for either a re-programming within the headings, or to redeploy unused appropriations within and across all headings. In case the first two possibilities prove to be insufficient the Commission will propose to call new appropriations, through the mobilization of the reserve for flexibility.

The different flexibility reserves are created as follows:

- reserve for competitiveness: up to a maximum of EUR 7 billion under heading 1a);
- reserve for cohesion: up to a maximum of EUR 3 billion under heading 1b);
- reserve for the Solidarity Fund up to a maximum of EUR 6.2 billion under heading 3;
- reserve for emergency aid: up to a maximum of EUR 1.5 billion under heading 4;
- reserve for loans guarantee: up to a maximum of EUR 3 billion under heading 4.

In addition to those reserves, a non allocated reserve for flexibility up to a maximum of EUR 3.5 billion is created for non-programmed actions and unforeseen events.

The Commission will make the proposal for the mobilisation of the flexibility reserves after it has examined the following possibilities:

- re-programming within the heading concerned
- redeployment of unused appropriations within and across headings
- new appropriations if the first two possibilities are insufficient

In case of a mobilization of the Flexibility Instrument below an amount of 200 million per annum and in case of non agreement of the two arms of the budgetary authority, the Council may, acting by qualified majority, decide on compulsory expenditures and the European Parliament on non compulsory expenditure, following the procedures defined in Art. 272 of the Treaty.

2. Financial Regulation

The Institutions acknowledge the responsibility to ensure a better implementation of the Budget and to improve the visibility and the benefit of EU funding towards the citizens without putting in question the progress achieved in the last recasting. They undertake a deep review of the regulations in force¹, both the principles and their implementing rules, in view of simplifying the procedures and facilitating the implementation of the Budget.

The Institutions agree on the aforementioned elements in the IIA and agree to proceed with further legislative procedure, according to a real conciliation procedure which puts the two arms of the budgetary authority on an equal footing.

3. Certification by Member States

Before September 2006 the Commission will present the list of the national bodies that could be entrusted to give a certification on behalf of the Member States on the European funds spent for policies run under shared competences.

Before December 2006 the Court of Auditors will give an opinion on the national bodies indicated by the Commission.

The European Parliament and the Council will give their opinion on the Commission list by April 2007.

On the basis of the different opinions, the budgetary authority will define, in concert with the Commission and the Court of Auditors, the procedure to be followed by Member States to give certification of the accounts to the Commission and to the Court of Auditors.

4. New financial instruments

The Institutions agree that the introduction of co-financing mechanisms is necessary to reinforce the leverage effect of the EU budget by increasing the funding incentive. They agree to encourage all types of financial instruments acting as catalysts for public and private investors. On this basis the Commission should make appropriate proposals.

EIB risk capital will be increased up to EUR 10 billion over the period 2007-2013. The Commission will report back to the budgetary authority about the activities financed by the EIB-EIF to support investments related to EU programmes (mainly TENs, Research and

¹ Council Regulation (EC, Euratom), N° 1605/2005, OJ L 248, 16.9.2002, page 1.

SMEs).

5. Review clause

The present agreement, including the annex (with the table on Financial Perspective) is subject to a revision clause to make the necessary adjustment in a fast developing environment and to redeploy the spending priorities if needed.

By the end of 2008, the Commission takes the firm commitment to undertake a full, wide-ranging review covering all aspects of the Financial Perspective, own resources and expenditure with a clearly defined role for the European Parliament.

An ad hoc working group composed by representatives of the budgetary authority is created to keep the Budgetary Authority informed of the progress achieved in this review and where appropriate to get its opinion, a progress report should be presented to the Budgetary Authority every year before the July Conciliation.

Both arms of the budgetary authority should decide on the confirmation, modification or rejection of the review and of the IIA at the latest by March 2010.

6. Reforming the system of own resources

The Institutions acknowledge the need to give the European Union transparent and independent own resources to replace the existing system. They agree that the preparatory work for setting up such a system should be conferred to a conference involving the European Parliament and the national parliaments. The conference should deliver orientations in view of Commission proposals to be presented by the end of 2008.

7. Agencies

The Institutions agree to create binding ceilings for the agencies outside the table of the financial framework for reasons of transparency between the agencies and the Community programmes. The ceilings of the specific heading can only be modified by a decision of the budgetary authority through the provisions set up by article xx of the IIA (flexibility).

8. Administrative expenditure

The Institutions agree to maintain a specific heading for all administrative expenditure for reasons of transparency. The Commission will make appropriate proposals for a binding ceiling which preserves the system of Activity Based Budgeting.

9. Democratic scrutiny and coherence of external actions

The Institutions acknowledge the need for a rationalisation of the various instruments for external actions. However they agree that such a rationalisation of instruments and concentration of programmes for management facilities should not reduce the powers of the legislative authority. A specific procedure is established to secure the rights of Parliament over the multiannual indicative framework and strategy papers through a prior consultation of the European Parliament and Council by the Commission (deadlines to be defined) which commits to withdraw the proposal if one of the two arms of the budgetary authority so requires.

The Institutions recognize that the restructuring of the external instruments should not reduce the European Parliament's prerogatives notably on the establishment of a multi-annual indicative framework (MIF) and the strategy papers.

10. EDF

The European Development Fund, as a result of the negotiations, is budgetised. The ceiling of the financial framework is adjusted accordingly.

11. Other issues on budgetary discipline

All the existing provisions on budgetary discipline (CFSP, financial programming) are maintained.

José Manuel Barroso
President of the European Commission

Brussels, 01-02-2006
D(2006) 221

Mr. President, Dear Josep,

The Commission today adopted a revised proposal for an inter-institutional agreement on budgetary discipline and improvement of the budgetary procedure.

The agreement reached by the European Council in December on the Financial Perspectives 2007-2013 marked an important step forward and established a positive momentum. It is now our shared responsibility to quickly conclude an inter-institutional agreement. This is essential if we are to ensure that European programmes are up and running from the first day of 2007. This represents a challenge which we need to tackle jointly and urgently. Without an agreement between our three institutions by the end of April, the credibility and effectiveness of the enlarged Union's work will be harmed.

With this objective in mind, and in the same spirit which led to my letters of October and December of last year laying down principles and proposals on which an agreement could be found, the Commission is determined to help the negotiations to progress. That is why we have sought to provide a concrete basis for negotiations. To be clear, this text is brought forward to fulfil the Commission's responsibility to support the process of negotiation in the wake of the European Council. The Commission will set out its own position as the negotiations continue.

While I welcome the agreement reached at the European Council, I must restate my concern about some of the consequences, for instance in terms of our ability to deliver our growth and jobs agenda. I would like to draw particular attention to actions targeting citizens directly, notably in the field of culture and youth, public health and consumer protection: this is the only budget heading where it seems clear that if unchanged, the amounts available in 2007 will be lower than those in the 2006 budget. At a time when we are seeking to bring Europe closer to citizens, I continue to find this approach difficult to justify. An additional effort needs therefore to be made in this field if we are to fulfil our commitments.

Mr Josep BORRELL FONTELLES
President of the European Parliament
Rue Wiertz
1047 Brussels

The attached proposal contains three specific proposals which the Commission had suggested at the end of last year to help the negotiation progress and for which it has received a clear mandate from the European Council in December:

- *The Commission wants to ensure sufficient flexibility and reactivity in the future financial framework. We need the tools to react to a fast changing world and to ever changing challenges for Europe. The text therefore includes a specific proposal reserving more resources for flexibility and broadening the scope to cover multi-annual requirements. Flexibility is an essential corollary to financial discipline, all the more when expenditure ceilings are extremely tight.*
- *The Commission is also determined to put in place an effective European Globalisation Adjustment Fund. We need to ensure that citizens fully benefit from the opportunities provided by today's global economy. But we also need to have the means to support those workers suffering from the consequences of major structural changes in world trade patterns, to assist them with their re-training and job search efforts. The Commission will shortly provide a legislative proposal detailing the functioning of this Fund.*
- *Finally, there is widespread agreement on the need to ensure a comprehensive review of our budget, how it is established and how it is spent. This will be a political as well as a technical exercise and the Commission will engage fully in its preparation and negotiation. This exercise, to be launched after final agreement has been reached among the Institutions on all the elements of the next Financial Perspectives, will be the fruit of detailed preparation and appropriate consultation. In 2008/2009, we will present to the European Parliament and Council a comprehensive White Paper, covering the whole structure of the budget, expenditure and revenue sides.*

Let me finally comment on some issues which are not included in the proposal for an inter-institutional agreement but are of importance for the forthcoming negotiation.

- *The Commission supports the idea of a financing facility of at least €10 billion to be established by the European Investment Bank to foster additional investment in European research and development. The Commission will continue to work closely with the EIB to bring our different financial instruments together to support the Lisbon objectives of growth and competitiveness.*
- *The Commission acknowledges the Institutions have a shared responsibility for the review of the Financial Regulation to improve budget implementation. As in 2002, the Commission will do its utmost to ensure that the review is completed through a real conciliation procedure.*
- *The Commission considers that Member States must put in place the necessary mechanisms to certify the accounts. In this regard, sectoral legal bases (agriculture and structural funds) already foresee specific provisions. On 17 January 2006, the Commission addressed to the European Parliament, Council and the Court of Auditors its Action plan for implementing an integrated internal control framework for Community funds which responds, in particular, to concerns expressed by the European Parliament.*

- *On the external front, I regret the fact that the budgetisation of the EDF we proposed was not supported. As long as Africa is deprived of the benefits enjoyed by other partners, we will fall short of the policy coherence we are promoting in Europe's external action. The Commission will shortly propose a 10th EDF. As for the other external instruments, I am fully aware of the necessity to reconcile the need for coherence, simplification, and reactivity with the legitimate expectations from Council and Parliament. The Commission stands ready to work constructively on the text of the external regulations proposed and, if necessary, on the text of the enclosed draft inter-institutional agreement. We have, however, to avoid going back down the road of unnecessary multiplication of regulations and rigidity of external action instruments.*
- *The Commission will have difficulty in taking forward the European Council suggestions concerning voluntary transfers to rural development. These risk undermining the fundamentals of the two pillars of agricultural policy. It is particularly difficult to see how market measures could be included in such a modulation.*
- *The Commission also would like to recall that some other technical adjustments identified in statements attached to the conclusions of the December European Council still need to be settled.*

The Commission intends to act as an honest broker to help move the inter-institutional negotiations forward towards swift agreement. The revised inter-institutional agreement is the first step. The Commission stands ready to bring forward further details and figures as required, so that the Union can deliver its policies effectively by the start of next year.

Yours sincerely,

A handwritten signature in black ink, consisting of a vertical line on the left and a long, sweeping horizontal line that curves upwards at the end.