II

(Acts whose publication is not obligatory)

COUNCIL

FINANCIAL REGULATION

of 18 January 1973

on special provisions to meet the cash requirements of the Communities within the framework of budgetary expenditure

(73/4/ECSC, EEC, Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 78f thereof ;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 209 thereof ;

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 183 thereof ;

Having regard to the proposal from the Commission ;

Whereas after the entry into force of the provisions of the Decision of 21 April 1970 (1) on the replacement of financial contributions from Member States by the Communities' own resources and also of Regulation No 2-71 (2) implementing that Decision, it is necessary to lay down provisions to meet, in an adequate manner, the estimated cash requirements of the Communities by the payment of 'own resources' and contributions from Member States in accordance with a timetable adapted to those requirments ;

Whereas such provisions are all the more urgent because, as from 1 January 1973, the financial requirements of the enlarged Communities have to be met ;

(1) OJ No L 94, 28. 4. 1970, p. 19.
(2) OJ No L 3, 5. 1. 1971, p. 1.

HAS ADOPTED THIS FINANCIAL REGULATION :

Article 1

1. Each Member State shall pay 'own resources' which are actually established at the level of the percentage laid down, for the financial year in question, in Article 3 (1), fourth paragraph, of the Decision of 21 April 1970.

Member States, however, which in accordance with the estimates entered in the budget do not have to pay financial contributions shall pay monthly, as own resources, an amount corresponding to the relative share applied to the cash requirements referred to in paragraph 2. The adoption of the supplementary or amending budget shall entail, where appropriate, the amendment of that relative share.

2. The cash requirements, assessed monthly, shall be met by the Member States in proportion with the relative share laid down in the budget for each of them.

3. Each Member State shall deduct from the sum thus required of it the amount of own resources to be paid during the same month in accordance with paragraph 1.

Article 2

When the accounts are closed for each financial year, the Commission shall draw up a table of amounts paid showing the difference between the amount actually paid by the Member States and that which they should have paid in accordance with the account for revenue and expenditure for the financial year in question.

The total amount thus determined shall be refunded to the Member States in the form of a deduction from the next monthly payment to be made.

If necessary and up to a maximum amount of 400 million units of account the Member States shall, at the request of the Commission, simultaneously place at the disposal of the Commission the total amount referred to in the second subparagraph. In that case, the financial contributions from Member States shall be apportioned as follows :

— for the new Member States, in accordance with the percentage laid down in Article 129 of the Accession Treaty (1) taking into account the abatements provided for in Article 130 thereof ;

— for the other Member States, and in order to cover the balance, in accordance with the percentage scale laid down in Article 3 (2) of the Decision of 21 April, 1970.

If the overall amount referred to above exceeds 400 million units of account that excess is then included in the cash needs of the Commission.

The amounts thus determined shall be charged in the next monthly payment to be made.

Article 3

If when the Commission calls for funds the budget has still not been adopted, the relative share taken as reference for determining the contribution of each Member State in accordance with Article 1 (2) shall be that of the draft or preliminary draft budget under consideration.

Article 4

1. The Commission shall, not later than the first of the month preceding that to which the estimate refers, inform each Member State of the cash requirements referred to in Article 1 (2).

2. The corresponding payments other than own resources shall be made by each Member State not later than the end of each month.

However, the contributions under Chapter 51 of the revenue of the Budget Nomenclature shall be paid :

— To the extent of 7/12 not later than 15 January ;

— the balance not later than 15 July.

These different payments shall be entered in a special 'contributions' account opened by each Member State with a body which it shall specify.

Any delay in entering in this account the amounts due pursuant to Articles 1 to 4 shall give rise to payment by the Member State concerned of interest, the rate of which shall be equal to the highest discount rate in the Member States applied on the date of expiry. That rate shall be increased by 0·25 point for each month of delay.

Article 5

Four times a year, the Commission shall submit a report to the Council on the implementation of the budget. That report shall make it possible to examine the cash balance of the Communities and see whether it matches current requirements.

Article 6

Payments provided for in the preceding Articles shall be made in national currencies ; they shall be calculated on the basis of the parity declared to the International Monetary Fund in force on the day of payment.

Article 7

The notification provided for in Article 4 (1) shall be made for the first time on 20 January 1973. The corresponding payments other than 'own resources' shall be made by each Member State on 5 February at the latest.

Article 8

This financial Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities.*

It shall be applicable until 30 April 1973.

Done at Brussels, 18 January 1973.

For the Council

The President

Th. LEFÈVRE

(1) OJ Special Edition, 27. 3. 1972, p. 5.