II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation (EEC, Euratom) amending Regulation (EEC, Euratom) No 1552/89 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources

(93/C 289/09)

COM(93) 437 final

(Submitted by the Commission on 5 October 1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 Council Decision 88/376/EEC, Euratom of 24 June 1988 on the system of the Communities' own resources (1), and in particular Article 8 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Court of Auditors,

Whereas the provisions of Council Regulation (EEC, Euratom) No 1552/89 (2), as last amended by Regulation (EEC, Euratom) No . . ., lay down the budgetary and accounting rules governing balances but not the treatment of those balances *vis-à-vis* the own resources ceiling;

Whereas it must be made possible for the capacity for financing the budget in a given year, afforded by the own resources ceiling, to be used in full to cover expenditure during that year with due regard for the principle of budgetary equilibrium;

Whereas it is necessary, for the purposes of applying the own resources ceiling to a given year, to clarify, *vis-à-vis* that ceiling, the treatment of positive and negative balances from previous years,

HAS ADOPTED THIS REGULATION:

Article 1

The following title is inserted in Regulation (EEC, Euratom) No 1552/89:

'TITLE va

Procedure for the application of Article 3 (1) of Decision 88/376/EEC, Euratom

Article 14a

For the purposes of applying the annual ceiling on own resources, no account shall be taken of any negative balance from the previous year requiring to be charged as expenditure in the budget for the year in question. Similarly, a positive balance from the previous year, requiring to be entered as revenue in the budget for the year in question, shall be set off against the own resources ceiling.

In the year following the implementation of the budget in a given year n, the own resources ceiling shall be compared with the amount of actual expenditure in terms of payment appropriations.

Such expenditure shall not include any negative balances entered in the budget from previous years; any miscellaneous revenue and any other resources actually received during the same year shall be deducted from that expenditure.

If the resulting expenditure figure exceeds the own resources ceiling, the ceiling for own resources available in year n + 2 shall be lowered by the amount of the overrun.'

Article 2

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

It shall apply from 1 January 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

(1) OJ No L 185, 15. 7. 1988, p. 24.
(2) OJ No L 155, 7. 6. 1989, p. 1.