

**Proposal for a Council Regulation amending Regulation (EEC) No 302/93 as regards the budgetary and financial rules applicable to the European Monitoring Centre for Drugs and Drug Addiction and access to the Centre's documents**

(2002/C 331 E/14)

COM(2002) 406 final — 2002/0175(CNS)

*(Submitted by the Commission on 17 July 2002)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The provisions of Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction <sup>(1)</sup> should be harmonised with Council Regulation (EC, Euratom) No ... of ... on the Financial Regulation applicable to the general budget of the European Communities, and in particular Article 185 thereof.
- (2) The general principles and limits governing right of access to documents provided for in Article 255 of the Treaty have been laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(2)</sup>.
- (3) When Regulation (EC) No 1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules in line with that Regulation.
- (4) Appropriate provisions should therefore be included in Regulation (EEC) No 302/93 to make Regulation (EC) No 1049/2001 applicable to the European Monitoring Centre for Drugs and Drug Addiction.
- (5) It would be useful to clarify the rules for the conditions and procedures applying to the renewal of the term of office of the Director and to harmonise the rules for all the Community bodies for which re-appointment is possible.
- (6) Regulation (EEC) No 302/93 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 302/93 is amended as follows:

<sup>(1)</sup> OJ L 36, 12.2.1993, p. 1. Regulation last amended by Regulation (EC) No 2220/2000 (OJ L 253, 7.10.2000, p. 1).

<sup>(2)</sup> OJ L 145, 31.5.2001, p. 43.

1. The following Article 6a is inserted:

*'Article 6a*

**Access to documents**

Regulation (EC) No 1049/2001 of the European Parliament and of the Council (\*) shall apply to documents held by the Centre.

The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001 within six months of entry into force of this Regulation.

\_\_\_\_\_ (\*) OJ L 145, 31.5.2001, p. 43.'

2. Article 8(5) is replaced by the following:

*'The Management Board shall adopt the annual report on the Centre's activities and transmit it by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States.'*

3. Article 9(1) is replaced by the following:

*'The Agency shall be under the authority of a Director appointed by the Management Board, on a proposal from the Commission, for a period of five years, which, on a proposal from the Commission, may be renewed for one further period not exceeding five years.'*

In Article 9(1), the fourth indent is replaced by the following:

*'— the preparation of the draft statement of estimates of the Centre's revenue and expenditure and on the implementation of the budget,'*

4. Article 11 is replaced by the following:

*'Article 11*

**Budget**

1. Estimates of all the revenue and expenditure of the Centre shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in the budget of the Centre.

2. The revenue and expenditure shown in the budget shall be in balance.

3. The Centre's revenue shall, without prejudice to other resources, consist of a subsidy from the Community entered under a specific heading of the general budget of the European Communities (Commission Section), payments for services rendered and any financial contributions from the organisations and bodies and non-Community countries mentioned in Articles 12 and 13 respectively.

4. The Centre's expenditure shall include:

(a) staff remuneration, administrative and infrastructure expenses, and operating costs

(b) expenditure in support of the national information networks which form part of the Reitox network and expenditure relating to contracts with the specialised centres.

5. Each year, by 15 February at the latest, the Management Board, on the basis of a draft drawn up by the Director, shall produce a statement of estimates of revenue and expenditure for the Centre for the following financial year. This statement of estimates, which shall include a draft establishment plan, shall be transmitted by the Management Board to the Commission by 31 March at the latest, together with the Centre's work programme.

The statement of estimates shall be transmitted by the Commission to the European Parliament and the Council (hereinafter referred to as the "budgetary authority") together with the preliminary draft general budget of the European Communities.

6. The budgetary authority shall determine the appropriations available for the subsidy to the Centre.

7. The budgetary authority shall adopt the establishment plan for the Centre.

8. The Management Board shall adopt the Centre's definitive budget before the beginning of the budget year, adjusting it as necessary to the Community subsidy and the Centre's other resources.

9. The Director shall implement the budget of the Centre.

10. The Commission's internal auditor shall exercise the same powers over the Centre as over Commission departments.

11. By 1 March at the latest following each financial year, the Centre's accounting officer shall communicate the provisional accounts to the Commission's accounting officer together with a report on the budgetary and financial management for that financial year. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised

bodies within the meaning of Article 128 of Council Regulation (EC, Euratom) No ... (\*) (hereinafter "the general Financial Regulation").

12. By 31 March at the latest following each financial year, the Commission's accounting officer shall transmit the Centre's provisional accounts to the Court of Auditors, together with a report on the budgetary and financial management for that financial year. The report on the budgetary and financial management for the financial year shall also be transmitted to the European Parliament and the Council.

13. On receipt of the Court of Auditors' observations on the Centre's provisional accounts, pursuant to Article 129 of the general Financial Regulation, the Director shall draw up the Centre's final accounts under his own responsibility and transmit them to the Management Board for an opinion.

14. The Management Board of the Centre shall deliver an opinion on the Centre's final accounts.

15. The Director shall, by 1 July at the latest following each financial year, transmit the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion.

16. The final accounts shall be published.

17. The Centre's Director shall send the Court of Auditors a reply to its observations by 30 September at the latest. He shall also send this reply to the Management Board.

18. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 30 April of year N+2, give a discharge to the Director in respect of the implementation of the budget for year N.

19. The financial rules applicable to the Centre shall be adopted by the Management Board after the Commission has been consulted. They may not depart from the framework Financial Regulation adopted by the Commission under Article 185 of the Financial Regulation applicable to the general budget of the European Communities unless specifically required for the Centre's operation and with the Commission's prior consent.

(\*) OJ L ...'

#### Article 2

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

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