Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2005/0166(COD)
European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). Recast Amended by 2016/0261(COD) Subject 4.20.03 Drug addiction, alcoholism, smoking 7.30.30.04 Action to combat drugs and drug-trafficking 8.40.08 Agencies and bodies of the EU	Procedure completed

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	PPE-DE BREPOELS Frieda	14/09/2005
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety		
	JURI Legal Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Employment, Social Policy, Health and Consumer Affairs	2767	30/11/2006
European Commission	Commission DG	Commissioner	
	Justice and Consumers	FRATTINI Franco	

Key events

31/08/2005	Legislative proposal published	COM(2005)0399	Summary
06/09/2005	Committee referral announced in Parliament, 1st reading		
23/03/2006	Vote in committee, 1st reading		Summary
03/04/2006	Committee report tabled for plenary, 1st reading	A6-0124/2006	
13/06/2006	Debate in Parliament		
14/06/2006	Results of vote in Parliament		
14/06/2006	Decision by Parliament, 1st reading	T6-0257/2006	Summary
30/11/2006	Act adopted by Council after Parliament's		

	1st reading		
12/12/2006	Final act signed		
12/12/2006	End of procedure in Parliament		
27/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2005/0166(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
	Amended by 2016/0261(COD)
Legal basis	EC Treaty (after Amsterdam) EC 152
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/30060

Documentation gateway

Legislative proposal		COM(2005)0399	31/08/2005	EC	Summary
Economic and Social Committee: opinion, report		CES0044/2006	18/01/2006	ESC	
Committee draft report		PE367.675	13/02/2006	EP	
Committee opinion	ENVI	PE367.656	23/02/2006	EP	
Amendments tabled in committee		PE370.213	02/03/2006	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0124/2006	03/04/2006	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0257/2006	14/06/2006	EP	Summary
Commission response to text adopted in plenary		SP(2006)3310	12/07/2006	EC	
Draft final act		03648/1/2006	12/12/2006	CSL	

Additional information

European Commission	EUR-Lex

Final act

Regulation 2006/1920
OJ L 376 27.12.2006, p. 0001-0013 Summary

European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). Recast

PURPOSE: To recast the legislation governing the European Monitoring Centre for Drugs and Drug Addiction.

PROPPOSED ACT: Regulation of the European Parliament and of the Council

CONTENT: Since its inception the European Monitoring Centre for Drugs and Drug Addiction has been amended three times. In addition, recent trends in drug use involving the combination of licit and illicit psychoactive substances requires that the role and scope of the Monitoring Centre needs to be extended and revised yet again. Given the frequent changes to the 1993 Regulation establishing the Centre, combined with the need to make further changes, the Commission proposes, in the interest of clarity, to recast the Regulation.

In 2003 the Commission presented a similar recast proposal (COD/2003/0311). Following a consultation process, however, it was decided to re-propose the Regulation under article 152, which requires the co-decision procedure. This present proposal, therefore, cancels and replaces the former Commission proposal.

Specifically speaking, the proposed amendments can be summarised as follows:

- Those, which have been designed to boost the Centre?s role, in particular to take account of new drug patterns. Additional amendments are proposed, which improve upon the instruments helping both the Member States and the Commission to monitor and evaluate their respective drugs policies and strategies.
- Those, which have been designed to adapt the operation of the EMCDDA bodies in order to take account of enlargement. The Regulation sets up an Executive Committee to assist the Management Board.
- Those, which have been designed to bring the EMCDDA in line with the Commission?s draft inter-institutional agreement in the framework for European regulatory agencies.
- Those, which codify the three amendments to the basic Regulation already adopted by the Council.
- Those, which have been designed to remove a number of uncertainties arising when the initial Regulation was applied ? this refers in particular to the Recitox focal points, instead of the specialised centres.

The more technical modifications to the recast Regulation include:

- Extending the list of tasks the EMCDDA is expected to undertake. For example, in future, the EMCDDA will be responsible for collecting and analysing work on emerging trends in poly drug use, such as the combined use of licit and illicit psychoactive substances. It also requires improved synergies in the methodology for data collection and monitoring and it also extends the scope of the Centre?s technical assistance to all countries authorised by the European Council to take part in Community programmes and agencies.
- The Priority Activities of the EMCDDA are adapted in accordance with the new revised tasks outlined above.
- The European Information Network on Drugs and Drug Addiction, Recitox, is amended in order to give it national legal status as well as clarifying their exact functions.
- The legal status of the Centre has been adapted in view of the fact that it has a seat.
- Changes to the Management Board are outlined, including its composition. For example, a new vice chairperson is created and the non voting status of the Management Board members are specified. In addition a new article proposes the creation of an Executive Committee, whose main role is to prepare the decisions of the Management Board.
- A new Article has been introduced relating to fraud. It stipulates that investigations conducted by OLAF will apply the EMCDDA.
- The EMCDDA will be subject, every six years, to external evaluation. On the basis of this evaluation, the Commission may, if appropriate, present proposals amending the EMCDDA Regulation.

This proposal has no budgetary implications.

European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). Recast

The committee adopted the report by Frieda BREPOELS (EPP-ED, BE) broadly approving the proposed regulation on the European Monitoring Centre for Drugs and Drug Addiction, subject to a number of amendments under the 1st reading of the codecision procedure:

- MEPs wanted to reinstate a provision from the old regulation as a new recital stressing that the information collected by the Centre needs to be comparable and compatible;

- the tasks of the Centre should include providing information on and fostering the exchange of best practices;

- the Centre should cooperate actively with Europol "to attain maximum efficiency in monitoring the drugs problem";

- the national focal points should draw on the experiences of different sectors - health, justice and law enforcement - in cooperation with experts and national organisations active in the field of drugs policy;

- the committee reinstated two paragraphs from the old regulation stipulating that data on drugs and drug addiction may be published "subject to compliance with Community and national rules on the dissemination and confidentiality of information", and that personal data may not be published or made accessible to the public. Moreover, Member States shall be under no obligation to provide information classified as confidential under their national law;

- the European Parliament should be consulted before the adoption of the Centre's work programme;

- the Scientific Committee (which assists the Management Board and the Director of the Centre) should not have more than 15 members, who should be selected on the basis of their expertise, by means of an open procedure. MEPs felt that a Scientific Committee consisting of one representative from each Member State would be too unwieldy and would be unable to function independently and efficiently.

The report also put forward a number of amendments to the rules governing the Management Board and Executive Committee as well as the procedure for the appointment of the Director. Moreover, in addition to the requirement for the Director of the Centre to appear at a hearing before Parliament, MEPs also wanted to hold a hearing of the Chairperson of the Management Board.

European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). Recast

The European Parliament adopted a resolution drafted by Frieda BREPOELS (EPP-ED, BE) and made some amendments to the Commission?s proposal:

- It should be one of the Centre's tasks to provide information on best practices and guidelines in the Member States and to facilitate the exchange of such practices among them.

- The way in which the Centre is organised and its working methods should be consistent with the objective nature of the results sought, namely the comparability and compatibility of sources and methods in connection with drug information.

- Account shall be taken of further WHO and UN data available worldwide.

- The Centre should cooperate actively with Europol "to attain maximum efficiency in monitoring the drugs problem".

- In principle, the Centre shall, if it identifies new developments and changing trends, inform the competent authorities of the Member States thereof.

- The national focal points should draw on the experiences of different sectors - health, justice and law enforcement - in cooperation with experts and national organisations active in the field of drugs policy;

- Data on drugs and drug addiction provided to or by the Centre may be published subject to compliance with Community and national rules on the dissemination and confidentiality of information. Personal data may not be published or made accessible to the public. Member States and the national focal points shall be under no obligation to provide information classified as confidential under their national law.

-The report put forward a number of amendments to the rules governing the Management Board and Executive Committee as well as the procedure for the appointment of the Director. Moreover, in addition to the requirement for the Director of the Centre to appear at a hearing before Parliament, MEPs also wanted to hold a hearing of the Chairperson of the Management Board.

- The Scientific Committee (which assists the Management Board and the Director of the Centre) should not have more than 15 members, who should be selected on the basis of their expertise, by means of an open procedure. MEPs felt that a Scientific Committee consisting of one representative from each Member State would be too unwieldy and would be unable to function independently and efficiently.

European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). Recast

PURPOSE: to recast the Regulation setting up the European Monitoring Centre for Drugs and Drug Addiction.

LEGISLATIVE ACT: Regulation 1920/2006/EC of the European Parliament and of the Council on the European Monitoring Centre for Drugs and Drug Addition (recast).

BACKGROUND: the European Drugs Monitoring Centre was established by Council Regulation 302/1993/EEC. Since its approval, however, the Regulation has been substantially amended. In the interest of clarity, it has been decided to recast the Regulation; the purpose of this present Regulation. As well as recasting the Regulation new, needed, elements have been incorporated into the recast legislative act.

CONTENT: this Regulation provides for the European Monitoring Centre for Drugs and Drug Addiction which is to be based in Lisbon. Its objectives are: to provide the Community and its Member States with factual, objective, reliable and comparable information on drugs, drug addiction and the consequences of drugs on European society. The data thus collected will help the Community gain an overall view of the drug and drug addiction situation. The Centre may not go beyond the sphere of collecting information specified in the Regulation?s provisions. Further, the Centre will not be allowed to collect any data which may make it possible to identify individuals or small groups of individuals and it must refrain from transmitting information relating to specific named cases.

In order to achieve its stated objectives the Centre will be given the following tasks:

- to collect and analyse existing data;
- to improve upon data-comparison methods;
- to disseminate the data received;
- to co-operate with European and international bodies and organisations as well as with third countries; and
- to inform the national authorities of any new developments and changing trends that it has identified.

The Centre will need to focus on the following priorities:

- monitoring the state of the drugs problem;
- monitoring emerging trends;
- monitoring the solutions applied to drug related problems;
- providing information on Member State best practices;
- assessing the risk of new psychoactive substances and to maintain a rapid information system with regard to their use;
- maintaining a rapid information system regarding the new methods used for existing psychoactive substances; and
- developing the tools and instruments needed to help the Member States monitor and evaluate their national policies.

At the Centre?s disposal will be a network entitled the ?European Information Network on Drugs and Drug Addiction? (Reitox). This network will consist of one focal point for each Member State and each country which has concluded an agreement with the Commission. They are to act as the interface between the participating countries and the Centre.

The Centre will be made up of: a Management Board, an Executive Committee, a Director and a Scientific Committee. The Regulation requires that the Centre seek active co-operation with other international bodies and NGO?s involved in the drug?s sector. It will be open to the participation of any third country that shares similar interests to that of the Community and its Member States.

ENTRY INTO FORCE: 16 January 2007.

REPEALED: Regulation 302/1993/EEC.