



COMMISSION OF THE EUROPEAN COMMUNITIES

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2002/0169 COD
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COMMISSION COMMUNICATION TO THE EUROPEAN PARLIAMENT

pursuant to the second subparagraph of Article 251(2) of the EC Treaty concerning the Common Position of the Council on the adoption of a proposal for the amendment of the constituent acts of Community bodies following the adoption of the new Financial Regulation

- Proposal for a regulation of the European Parliament and of the Council amending regulation (EEC) No 1210/90 as regards the budgetary and financial rules applicable to the European Environment Agency and the European Environment Information and Observation Network and access to the Agency's documents
- Proposal for a regulation of the European Parliament and of the Council amending regulation (EC) No 178/2002 as regards the budgetary and financial rules applicable to the European Food Safety Agency and access to the Agency's documents
- Proposal for a regulation of the European Parliament and of the Council amending regulation (EC) No 1592/2002 of the European Parliament and of the Council concerning common rules in the field of civil aviation and creating a European Aviation Safety Agency
- Proposal for a regulation of the European Parliament and of the Council amending regulation (EC) No 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency

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1. BACKGROUND

Adoption of the proposal by the Commission (COM(2002) 406 final)	17/07/2002
Commission proposal forwarded to the European Parliament and the Council (document COM(2002) 406 final – 2002/0169 COD; 2002/0179 COD; 2002/0181 COD; 2002/0182 COD)	18/07/2002
Opinion of the Court of Auditors	26/09/2002
Opinion of the European Economic and Social Committee	11/12/2002
Opinion of the European Parliament at first reading	22/10/2002
Date of forwarding of the amended proposal	Not applicable
Adoption of the common position: Qualified majority	3 June 2003

2. OBJECTIVE OF THE COMMISSION PROPOSAL

The adoption of the new general Financial Regulation, followed by its implementing rules, has led to changes in budgetary and financial management and made it necessary to adapt the constituent acts of Community bodies.

The proposal for the amendment of the constituent acts of Community bodies adopted by the Commission in July 2002 concerned 16 constituent acts of Community bodies (agencies) and aimed:

- to bring them into line with the new general Financial Regulation and to simplify and harmonise procedures for adopting the agencies' Financial Regulations,
- to introduce provisions on access to documents (implementation of R 1049/2001), and
- to clarify the rules on renewing the terms of office of the agencies' directors.

The Council examined the proposal, and Parliament adopted a number of amendments in October; as empowered by Cobu, Mr Dell'Alba, rapporteur, indicated to the Council's Budget Committee on 21 January 2003 which amendments were considered priorities by Parliament.

On the basis of these amendments, agreement was reached in the trialogue on 18 March 2003 and Council adopted its Common Position on 3 June 2003.

3. COMMENTS ON THE COMMON POSITION

The Council accepted the main elements of the Commission's proposal relating to the technical adaptation of the agencies' constituent acts in order to bring them into line with the general Financial Regulation and the Regulation on access to documents. The only element rejected by the Council was the clarification of the rules on renewing the terms of office of the agencies' directors; however, since this was not a direct objective of the proposal, and given the urgent need to adopt it, the Commission can accept this and will prepare a separate proposal on this aspect.

The Commission is therefore satisfied with the content of the Common Position, in that it allows Parliament's amendments to be incorporated either in the body of the Regulations or in the form of declarations, while respecting the structure of the initial proposal.

Parliament's Amendments Nos 11, 12 and 21 will take the form of declarations (annex); Amendments Nos 13, 16, 17 and 19 will be incorporated into the provisions of the Regulations.

4. CONCLUSIONS

The Commission welcomes the outcome of this case, and supports the Common Position.

ANNEX

DRAFT STATEMENTS

FOR PUBLICATION IN THE OFFICIAL JOURNAL OF THE EUROPEAN UNION

1. Statement by the European Parliament, the Council and the Commission

"The European Parliament, the Council and the Commission would point out that the budget of the bodies referred to in Article 185 of the Financial Regulation may include a financial contribution from the host Member State."

2. Statement

"It is highly desirable that the competent bodies make every endeavour to settle the question of the definitive location of the new agencies as early as possible."

3. Statement by the European Parliament and the Council

"The European Parliament and the Council request that the Commission, in the event of revision of the Framework Financial Regulation for the bodies referred to in Article 185 of the General Financial Regulation, should first consult the European Parliament, the Council and the Court of Auditors. The Commission undertakes to submit the draft to these bodies for their opinion."
