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2005/0086 (COD)
2005/0087 (COD)
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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EEC) No 1210/90 on the establishment of the European Environment Agency and the European Environment Information and Observation Network as regards the term of office of the Executive Director

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EEC) No 337/75 establishing a European Centre for the Development of Vocational Training as regards the Director's term of office

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EEC) No 1365/75 on the creation of a European Foundation for the improvement of living and working conditions as regards the term of office of the director and deputy director

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EEC) No 1360/90 establishing a European Training Foundation as regards the Director's term of office

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EEC) No 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction as regards the Director's term of office

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 40/94 as regards the term of office of the President of the Office for Harmonisation in the Internal Market

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2100/94 as regards the term of office of the President of the Community Plant Variety Office

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2965/94 setting up a Translation Centre for bodies of the European Union as regards the Director's term of office

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 1035/97 establishing a European Monitoring Centre on Racism and Xenophobia as regards the Director's term of office

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 178/2002 as regards the term of office of the Executive Director of the European Food Safety Authority

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control as regards the Director's term of office

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 726/2004 as regards the term of office of the Executive Director of the European Medicines Agency

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 1321/2004 Council as regards the term of office of the Executive Director of the European GNSS Supervisory Authority

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 2062/94 establishing a European Agency for Health and Safety at Work as regards the Director's term of office

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency as regards the Executive Director's term of office

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 1592/2002 as regards the term of office of the Executive Director and the Directors of the European Aviation Safety Agency

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 881/2004 establishing a European Railway Agency as regards the term of office of the Executive Director

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2007/2004 as regards the term of office of the Executive Director and the Deputy Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

(presented by the Commission)

{SEC(2005)625}

EXPLANATORY MEMORANDUM

1. JUSTIFICATION FOR, AND OBJECTIVE OF, THE PROPOSAL

In the European Union there are now 20 decentralised bodies which can be categorised as Community agencies on account of their common features: establishment on a legal basis, legal personality, administrative and financial autonomy, clearly-defined sphere of responsibility and action, etc.

The head of each Community agency usually has the title director and in some cases is assisted by one or more deputies. The director's term of office is generally 4-5 years. Most of the basic Regulations nevertheless provide for the director's term of office and, where applicable, that of the deputies, to be extended for one or more further periods. The conditions governing appointment and term of office are laid down in each basic Regulation for each agency.

Until recently, the body responsible for appointment simply adopted a decision extending an incumbent director's term of office. Having examined the basic Regulations in more detail, however, the Commission has concluded that this practice poses a legal problem.

Apart from Regulation (EEC) No 1360/90 establishing a European Training Foundation and, more recently, Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control, the basic Regulations for the Community agencies use the term "renewal" to refer to extending the director's term of office.

In the Treaty establishing the European Community, Article 214(1) (on appointing Commission Members) and Articles 223 and 225 (on appointing Court of Justice Judges) contain the same provision. Yet in both cases it is agreed that the possibility of renewal does not mean that a simplified procedure is applicable or that the term of office may be extended without complying with the appointment procedure laid down in the Treaty.

Under these conditions, the fact that the term of office is renewable must be interpreted as meaning that, when the term of office ends, the incumbent has to apply for a new term.

Applied to the agencies, this interpretation leads to the conclusion that the possibility of renewing the director's term of office does not exempt the incumbent from following the appointment procedure laid down in the basic Regulation.

Moreover, agency directors and their deputies are not only office-holders but also agency staff members employed under temporary contracts and subject to the Conditions of employment of other servants of the European Communities.

The appointment procedure must therefore include publication of the post in all Member States and a selection process in compliance with the rules deriving from the basic Regulations and the Conditions of employment of other servants.

These procedures are generally lengthy and relatively expensive. They may also slow up or hamper the agency's work during this period, if the incumbent director decides to reapply.

Given the agencies' special needs and the practice in past years, it therefore does not seem appropriate to conduct a full selection procedure each time that the first term of office for a director's or other relevant person's post comes to an end. The appointing bodies responsible should have the option of either extending the current term of office or launching a new selection procedure.

Account should likewise be taken of the fact that an agency director is not only an administrative manager but also plays an important role in conducting the agency's work and achieving its objectives. The appointing authority's decision must take both these aspects into account: the need to ensure continuity in the agency's administrative management while at the same time fostering new ideas and policies.

That is why a decision to extend an incumbent director's term of office must be based on a prior assessment of their performance and of the agency's needs, conducted by the authority proposing candidates to the appointing authority, and extension may be authorised only once and for a limited period not exceeding that stipulated for the initial term of office.

In total, amendment of the articles relating to appointment is proposed in respect of 18 agencies – resulting in the presentation of 18 proposals for Regulations amending the basic Regulation for each agency.

The Regulations establishing two agencies do not require amendment: Council Regulation (EC) No 2667/2000 of 5 December 2000 on the European Agency for Reconstruction¹ and Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency². Because of these agencies' limited lifespan, these Regulations do not provide for a director's term of office to be renewed.

Similarly, no proposals have been presented for amendment of the acts setting up agencies and other bodies under the second and third pillars.

Lastly, regarding the two agencies in respect of which a proposal for a Regulation has already been presented and is being examined or is in the process of being adopted (the European Chemicals Agency³ and the Community Fisheries Control Agency⁴), the Commission will as necessary present proposals for amendments with a view to harmonising the texts for all the Community agencies.

2. LEGAL BASIS AND ADOPTION PROCÉDURE

Each Regulation establishing an agency is in principle based on the Treaty article corresponding to that agency's sphere of responsibility and action, from which the applicable adoption procedure likewise derives.

That is why it has proved necessary to amend each Regulation establishing an agency.

¹ OJ L 306, 7.12.2000 and COM(2004) 451 final, 28.6.2004.

² OJ L 77, 13.3.2004, p. 1.

³ COM(2003) 644 final.

⁴ COM(2004) 289 final.

The procedure for adopting the Regulations should be in accordance with the rules in force when the agency was established, while taking into account any relevant changes which have taken place since the establishing Regulation was adopted – such as European Parliament powers introduced by the Treaty or amendments relating to the legal basis.

This particularly applies in the case of the European Environment Agency, but also in respect of five Regulations whose legal basis has been amended and for which Article 308 of the Treaty has been replaced by the legal basis for those agencies' sphere of action.

The agencies in question here are: the European Monitoring Centre for Drugs and Drug Addiction (the establishing Regulation is currently being consolidated and the Commission has accepted the Council's view that from now on Article 152 should be used as the legal basis); the European Centre for the Development of Vocational Training (Article 150); the European Foundation for the improvement of living and working conditions (Article 137(1)(a) and (b)); the European Training Foundation (Article 150); and the European Agency for Safety and Health at Work (Article 137(1)(a)).

3. WORDING OF THE PROPOSED REGULATIONS

3.1 The three recitals, which are common to all the proposed Regulations, are worded as follows:

“It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.

Provision should be made to extend this term of office once, after adequate evaluation.

Regulation ... [title of the basic Regulation establishing the agency] should therefore be amended.”

3.2 For each of the amended Regulations, the proposed standard wording is:

“The [Agency/Centre/Office/Authority] shall be headed by a Director appointed by the management board* on a proposal from the Commission** for a five-year period which, on a proposal from the Commission** and after evaluation, may be extended once for a period of not more than five years.

In the evaluation the Commission** shall assess in particular:

- the results achieved in the first term of office and the way in which they were achieved;
- the [Agency/Centre/Office/Authority]'s duties and requirements in the coming years.”

* the Council in the case of the Community Plant Variety Office (CPVO) and the Office for Harmonisation in the Internal Market (OHIM); the Commission in the case of the European Centre for the Development of Vocational Training (CEDEFOP) and the European Foundation for the improvement of living and working conditions (EUROFOUND);

** the management board in the case of OHIM, CEDEFOP and EUROFOUND.

3.3 The proposed amendments relate to the following:

- Article 6(2) of Regulation (EEC) No 337/75 of the Council establishing a European Centre for the Development of Vocational Training;
- Article 8(3) of Regulation (EEC) No 1365/75 of the Council of 26 May 1975 on the creation of a European Foundation for the improvement of living and working conditions;
- the first sentence of Article 9(1) of Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network;
- the second sentence of Article 7(1) of Council Regulation (EEC) No 1360/90 of 7 May 1990 establishing a European Training Foundation, as amended by Council Regulation (EC) No 1572/98 of 17 July 1998;
- the first sentence of Article 9(1) of Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction;
- with regard to the Office for Harmonisation in the Internal Market (OHIM): Article 120(2) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark;
- Article 11(1) of Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work;
- with regard to the Community Plant Variety Office (CPVO): Article 43(2) of Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights;
- Article 9(1) of Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union;
- Article 10(1) of Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia;
- the first sentence of Article 26(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;
- Article 16(2) of Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency;
- Article 30(4) of Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency;

- Article 17(1) of Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control;
- the third sentence of Article 64(1) of Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency;
- Article 31(3) of Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency;
- with regard to the European GNSS Supervisory Authority: the third subparagraph of Article 7(2) of Council Regulation (EC) No 1321/2004 of 12 July 2004 on the establishment of structures for the management of the European satellite radio-navigation programmes;
- the second sentence of Article 26(5) of Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the management of operational cooperation at the external borders of the Member States of the European Union.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EEC) No 1210/90 on the establishment of the European Environment Agency and the European Environment Information and Observation Network as regards the term of office of the Executive Director

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 thereof,

Having regard to the proposal from the Commission⁵,

Having regard to the opinion of the European Economic and Social Committee⁶,

Having regard to the opinion of the Committee of the Regions,⁷

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁸,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network should therefore be amended⁹,

HAVE ADOPTED THIS REGULATION:

Article 1

In Article 9(1) of Regulation (EEC) No 1210/90, the first sentence is replaced by the following:

⁵ OJ C ..., ..., p. ...

⁶ OJ C ..., ..., p. ...

⁷ OJ C ..., ..., p. ...

⁸ Opinion of the European Parliament of

⁹ OJ L 120, 11.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 1641/2003 (OJ L 245, 29.9.2003, p. 1).

"1. The Agency shall be headed by an Executive 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 and after an evaluation, may be extended once for a period of not more than five years.

In the evaluation, the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Agency's duties and requirements in the coming years."

Article 2

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

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

Done at Brussels, [...]

For the European Parliament
The President

For the Council
The President

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EEC) No 337/75 establishing a European Centre for the Development of Vocational Training as regards the Director's term of office

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 150 thereof,

Having regard to the proposal from the Commission¹⁰,

vu l'avis du Comité économique et social européen¹¹,

vu l'avis du Comité des régions¹²,

Acting in accordance with the procedure laid down in Article 251 of the Treaty¹³,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after adequate evaluation.
- (3) Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training¹⁴ should therefore be amended,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 6(2) of Regulation (EEC) No 337/75 is replaced by the following:

“2. The term of office of the director shall be five years. On a proposal from the Governing board and after evaluation, it may be extended once for a period of not more than five years.

In the evaluation the Governing Board shall assess in particular:

¹⁰ OJ C ..., ..., p. ...

¹¹ OJ C ..., ..., p. ...

¹² OJ C ..., ..., p. ...

¹³ Opinion of the European Parliament of

¹⁴ OJ L 39, 13.2.1975, p. 1. Regulation as last amended by Regulation (EC) No 2051/2004 (OJ L 355, 1.12.2004, p. 1).

- the results achieved in the first term of office and the way in which they were achieved;
- the Centre’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EEC) No 1365/75 on the creation of a European Foundation for the improvement of living and working conditions as regards the term of office of the director and deputy director

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(1)(a) and (b) thereof,

Having regard to the proposal from the Commission¹⁵,

Having regard to the opinion of the European Economic and Social Committee¹⁶,

Having regard to the opinion of the Committee of the Regions¹⁷,

Acting in accordance with the procedure laid down in Article 251 of the Treaty¹⁸,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Regulation (EEC) No 1365/75 of the Council of 26 May 1975 on the creation of a European Foundation for the improvement of living and working conditions should therefore be amended¹⁹,

HAVE ADOPTED THIS REGULATION:

¹⁵ OJ C ..., ..., p. ...

¹⁶ OJ C ..., ..., p. ...

¹⁷ OJ C ..., ..., p. ...

¹⁸ Opinion of the European Parliament of

¹⁹ OJ L 139, 30.5.1975, p. 1. Regulation as last amended by Regulation (EC) No 1649/2003 (OJ L 245, 29.9.2003, p. 25).

Article 1

In Article 8 of Regulation (EEC) No 1365/75, paragraph 3 is replaced by the following:

"3. The director and the deputy director shall be appointed for a maximum period of five years which, on a proposal from the Administrative Board and after an evaluation, may be extended once for a period of not more than five years.

In the evaluation, the Administrative Board shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Foundation's duties and requirements in the coming years."

Article 2

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

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

Done at Brussels, [...]

For the European Parliament
The President

For the Council
The President

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Regulation (EEC) No 1360/90 establishing a European Training Foundation
as regards the Director's term of office**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 150 thereof,

Having regard to the proposal from the Commission²⁰,

Having regard to the opinion of the European Economic and Social Committee²¹,

Having regard to the opinion of the Committee of the Regions²²,

Acting in accordance with the procedure laid down in Article 251 of the Treaty²³,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after adequate evaluation.
- (3) Council Regulation (EEC) No 1360/90 of 7 May 1990 on the establishment of a European Training Foundation²⁴ should therefore be amended,

HAVE ADOPTED THIS REGULATION:

Article 1

The second sentence of Article 7(1) of Regulation (EEC) No 1360/90 shall be replaced by the following:

²⁰ OJ C [...], [...], p. [...].

²¹ OJ C [...], [...], p. [...].

²² OJ C [...], [...], p. [...].

²³ Opinion of the European Parliament of

²⁴ OJ L 131, 23.5.1990, p. 1. Regulation as last amended by Regulation (EC) No 1648/2003 (OJ L 245, 29.9.2003, p. 22).

"On a proposal from the Commission and after evaluation, this term of office may be extended once for a period of not more than five years.

In the evaluation the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they were achieved;
- the Foundation's duties and requirements in the coming years."

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EEC) No 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction as regards the Director's term of office

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152 thereof,

Having regard to the proposal from the Commission²⁵,

Having regard to the opinion of the European Economic and Social Committee²⁶,

Having regard to the opinion of the Committee of the Regions²⁷,

Acting in accordance with the procedure laid down in Article 251 of the Treaty²⁸,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after adequate evaluation.
- (3) Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction²⁹ should therefore be amended,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 9(1) of Regulation (EEC) No 302/93 is replaced by the following:

²⁵ OJ C [...], [...], p. [...].

²⁶ OJ C [...], [...], p. [...].

²⁷ OJ C [...], [...], p. [...].

²⁸ Opinion of the European Parliament of

²⁹ OJ L 36, 12.2.1993, p. 1. Regulation as last amended by Regulation (EC) No 1651/2003 (OJ L 245, 29.9.2003, p. 30).

“1. The Centre shall be headed by a Director appointed by the management board on a proposal from the Commission for a five-year period which, on a proposal from the Commission and after evaluation, may be extended once for a period of not more than five years.

In the evaluation the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they were achieved;
- the Centre’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 40/94 as regards the term of office of the President of the Office for Harmonisation in the Internal Market

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 Commission³⁰,

Having regard to the opinion of the European Parliament³¹,

Having regard to the opinion of the European Economic and Social Committee³²,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after adequate evaluation.
- (3) Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark³³ should be amended as a result,

HAS ADOPTED THIS REGULATION:

Article 1

Article 120(2) of Regulation (EEC) No 40/94 is replaced by the following:

“2. The term of office of the President shall not exceed five years. On a proposal from the board of management and after a Commission evaluation and opinion, it may be extended once for a period of not more than five years.

In the evaluation the board of management shall assess in particular:

³⁰ OJ C [...], [...], p. [...].

³¹ OJ C [...], [...], p. [...].

³² OJ C [...], [...], p. [...].

³³ OJ L 11, 14.1.1994, p. 1. Regulation as last amended by Regulation (EC) No 422/2004 (OJ L 70, 9.3.2004, p. 1).

- the results achieved in the first term of office and the way in which they were achieved;
- the Office's duties and requirements in the coming years."

Article 2

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

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

Done at Brussels,

*For the Council
The President*

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2100/94 as regards the term of office of the President of the Community Plant Variety Office

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 Commission³⁴,

Having regard to the opinion of the European Parliament³⁵,

Having regard to the opinion of the European Economic and Social Committee³⁶,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after adequate evaluation.
- (3) Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights³⁷ should be amended as a result,

HAS ADOPTED THIS REGULATION:

Article 1

Article 43(2) of Regulation (EC) No 2100/94 is replaced by the following:

“2. The term of office of the President shall not exceed five years. On a proposal from Commission and after a board of management evaluation and opinion, it may be extended once for a period of not more than five years.

In the evaluation the Commission shall assess in particular:

³⁴ OJ C [...], [...], p. [...].

³⁵ OJ C [...], [...], p. [...].

³⁶ OJ C [...], [...], p. [...].

³⁷ OJ L 227, 1.9.1994, p. 1. Regulation as last amended by Regulation (EC) No 873/2004 (OJ L 162, 30.4.2004, p. 38).

- the results achieved in the first term of office and the way in which they were achieved;
- the Office’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

*For the Council
The President*

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2965/94 setting up a Translation Centre for bodies of the European Union as regards the Director's term of office

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 Commission³⁸,

Having regard to the opinion of the European Parliament³⁹,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union⁴⁰ should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 9(1) of Regulation (EC) No 2965/94 is hereby replaced by the following:

“1. The Centre 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 and after an evaluation, may be extended once for a period of not more than five years.

In the evaluation, the Commission shall assess in particular:

³⁸ OJ C [...], [...], p. [...].

³⁹ OJ C [...], [...], p. [...].

⁴⁰ OJ L 314, 7.12.1994, p.1. Regulation as last amended by Regulation (EC) No 1645/2003 (OJ L 245, 29.9.2003, p.13).

- the results achieved in the first term of office and the way in which they have been achieved;
- the Centre’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

*For the Council
The President*

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 1035/97 establishing a European Monitoring Centre on Racism and Xenophobia as regards the Director's term of office

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 284 and 308 thereof,

Having regard to the proposal from the Commission⁴¹,

Having regard to the opinion of the European Parliament⁴²,

Having regard to the opinion of the European Economic and Social Committee⁴³,

Having regard to the opinion of the Committee of the Regions⁴⁴,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia⁴⁵ should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 10(1) of Regulation (EC) No 1035/97 is hereby replaced by the following:

“1. The Centre shall be headed by a Director appointed by the Management Board on a proposal from the Commission for a four-year period which, on a proposal from the

⁴¹ OJ C , , p. .

⁴² OJ C , , p. .

⁴³ OJ C , , p. .

⁴⁴ OJ C , , p. .

⁴⁵ OJ L 151, 10.6.1997, p.1. Regulation as last amended by Regulation (EC) No 1652/2003 (OJ L 245, 29.9.2003, p. 33).

Commission and after evaluation, may be extended once for a period of not more than four years.

In the evaluation the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Centre’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

*For the Council
The President*

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 178/2002 as regards the term of office of the Executive Director of the European Food Safety Authority

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37, 95, 133 and Article 152(4)(b) thereof,

Having regard to the proposal from the Commission⁴⁶,

Having regard to the opinion of the European Economic and Social Committee⁴⁷,

Having regard to the opinion of the Committee of the Regions⁴⁸,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴⁹,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁵⁰ should therefore be amended,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 26(1) of Regulation (EC) No 178/2002 is hereby amended as follows:

⁴⁶ OJ C [...], [...], p. [...].

⁴⁷ OJ C [...], [...], p. [...].

⁴⁸ OJ C [...], [...], p. [...].

⁴⁹ Opinion of the European Parliament of

⁵⁰ OJ L 31, 1.2.2002, p.1. Regulation as last amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

1. In the first sentence, the words “which shall be renewable” are deleted.

2. The following subparagraphs are added:

“On a proposal from the Commission and after an evaluation, the term of office of the Executive Director may be extended once for a period of not more than five years.

In the evaluation, the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Authority’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control as regards the Director's term of office

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4) thereof,

Having regard to the proposal from the Commission⁵¹,

Having regard to the opinion of the European Economic and Social Committee⁵²,

Having regard to the opinion of the Committee of the Regions⁵³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁵⁴,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control⁵⁵ should therefore be amended,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 17(1) of Regulation (EC) No 851/2004 is hereby replaced by the following:

⁵¹ OJ C , , p. .

⁵² OJ C , , p. .

⁵³ OJ C , , p. .

⁵⁴ Opinion of the European Parliament of ...

⁵⁵ OJ L 142, 30.4.2004, p.1.

“1. The director shall be appointed by the Management Board on the basis of a list of candidates proposed by the Commission after an open competition, following publication in the Official Journal of the European Union and elsewhere of a call for expressions of interest, for a five-year period which, on a proposal from the Commission and after evaluation, may be extended once for a period of not more than five years.

In the evaluation the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Centre’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EC) No 726/2004 as regards the term of office of the Executive
Director of the European Medicines Agency

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 and Article 152(4)(b) thereof,

Having regard to the proposal from the Commission⁵⁶,

Having regard to the opinion of the European Economic and Social Committee⁵⁷,

Having regard to the opinion of the Committee of the Regions⁵⁸,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁵⁹,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency⁶⁰ should therefore be amended,

⁵⁶ OJ C , , p. .

⁵⁷ OJ C , , p. .

⁵⁸ OJ C , , p. .

⁵⁹ Opinion of the European Parliament of ...

⁶⁰ OJ L 136, 30.4.2004, p.1.

HAVE ADOPTED THIS REGULATION:

Article 1

Article 64(1) of Regulation (EC) No 726/2004 is hereby amended as follows:

1. The third sentence is deleted.
2. The following subparagraph is added after the fourth sentence:

“On a proposal from the Commission and after evaluation, the term of office of the Executive Director may be extended once for a period of not more than five years.

In the evaluation the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Agency’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 1321/2004 Council as regards the term of office of the Executive Director of the European GNSS Supervisory Authority

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 Commission⁶¹,

Having regard to the opinion of the European Parliament⁶²,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Council Regulation (EC) No 1321/2004 of 12 July 2004 on the establishment of structures for the management of the European satellite radio-navigation programmes should therefore be amended⁶³,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 7(2) of Regulation (EC) No 1321/2004, the third subparagraph is hereby replaced by the following:

"The term of office of the Executive Director shall be five years. On a proposal from the Commission and after an evaluation, it may be extended once for a period of not more than five years.

In the evaluation, the Commission shall assess in particular:

⁶¹ OJ C [...], [...], p. [...].

⁶² OJ C [...], [...], p. [...].

⁶³ OJ L 246, 20.7.2004, p. 1.

- the results achieved in the first term of office and the way in which they have been achieved;
- the Authority's duties and requirements in the coming years."

Article 2

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

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

Done at Brussels, [...]

*For the Council
The President*

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 2062/94 establishing a European Agency for Health and Safety at Work as regards the Director's term of office

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 137(1)(a) thereof,

Having regard to the proposal from the Commission⁶⁴,

Having regard to the opinion of the European Economic and Social Committee⁶⁵,

Having regard to the opinion of the Committee of the Regions⁶⁶,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁶⁷,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after adequate evaluation.
- (3) Council Regulation (EEC) No 2062/94 of 18 July 1994 establishing a European Agency for Health and Safety at Work⁶⁸ should therefore be amended,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 11(1) of Regulation (EEC) No 2062/94 is replaced by the following:

“ 1. The Agency shall be headed by a Director appointed by the management board on a proposal from the Commission for a five-year period which, on a proposal from the

⁶⁴ OJ C [...], [...], p. [...].

⁶⁵ OJ C [...], [...], p. [...].

⁶⁶ OJ C [...], [...], p. [...].

⁶⁷ Opinion of the European Parliament of

⁶⁸ OJ L 216, 20 August 1994, p. 1. Regulation as last amended by Regulation (EC) No 1654/2003 (OJ L 245, 29.9.2003, p. 38).

Commission and after evaluation, may be extended once for a period of not more than five years.

In the evaluation the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they were achieved;
- the Agency’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency as regards the Executive Director's term of office

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission⁶⁹,

Having regard to the opinion of the European Economic and Social Committee⁷⁰,

Having regard to the opinion of the Committee of the Regions⁷¹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁷²,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency⁷³ should therefore be amended,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 16(2) of Regulation (EC) No 1406/2002 is hereby replaced by the following:

⁶⁹ OJ C , , p. .

⁷⁰ OJ C , , p. .

⁷¹ OJ C , , p. .

⁷² Opinion of the European Parliament of...

⁷³ OJ L 208, 5.8.2002, p.1. Regulation as last amended by Regulation (EC) No 724/2004 (OJ L 129, 29.4.2004, p.1).

“2. The term of office of the Executive Director shall be five years. On a proposal from the Commission and after an evaluation, his or her term of office may be extended once, for a period of not more than five years.

In the evaluation the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Agency’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 1592/2002 as regards the term of office of the Executive Director and the Directors of the European Aviation Safety Agency

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission⁷⁴,

Having regard to the opinion of the European Economic and Social Committee⁷⁵,

Having regard to the opinion of the Committee of the Regions⁷⁶,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁷⁷,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Council Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency⁷⁸ should therefore be amended,

⁷⁴ OJ C , , p. .

⁷⁵ OJ C , , p. .

⁷⁶ OJ C , , p. .

⁷⁷ Opinion of the European Parliament of

⁷⁸ OJ L 240, 7.9.2002, p.1. Regulation as last amended by Regulation (EC) No 1701/2003 (OJ L 243, 27.9.2003, p.5).

HAVE ADOPTED THIS REGULATION:

Article 1

Article 30(4) of Regulation (EC) No 1592/2002 is hereby replaced by the following:

“4. The term of office of the Executive Director and of the Directors shall be five years. On a proposal from the Commission and after an evaluation, their term of office may be extended once, for a period of not more than five years.

In the evaluation the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Agency’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 881/2004 establishing a European Railway Agency as regards the term of office of the Executive Director

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

Having regard to the proposal from the Commission⁷⁹,

Having regard to the opinion of the European Economic and Social Committee⁸⁰,

Having regard to the opinion of the Committee of the Regions⁸¹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁸²,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency⁸³ should therefore be amended,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 31(3) of Regulation (EC) No 881/2004 is hereby replaced by the following:

⁷⁹ OJ C [...], [...], p. [...].

⁸⁰ OJ C [...], [...], p. [...].

⁸¹ OJ C [...], [...], p. [...].

⁸² Opinion of the European Parliament of

⁸³ OJ L 164, 30.4.2004, p. 1.

"3. The term of office of the Executive Director shall be five years. On a proposal from the Commission and after an evaluation, it may be extended once for a period of not more than five years.

In the evaluation, the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Agency's duties and requirements in the coming years."

Article 2

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

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

Done at Brussels, [...]

For the European Parliament
The President

For the Council
The President

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2007/2004 as regards the term of office of the Executive Director and the Deputy Executive Director of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 62(2)(a) and 66 thereof,

Having regard to the proposal from the Commission⁸⁴,

Having regard to the opinion of the European Parliament⁸⁵,

Having regard to the opinion of the European Economic and Social Committee⁸⁶,

Whereas:

- (1) It is necessary to harmonise the rules on the conditions and procedures applicable to extending the term of office of the Director, Deputy Director or President, as appropriate, of certain Community agencies.
- (2) Provision should be made to extend this term of office once, after suitable evaluation.
- (3) Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union⁸⁷ should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 26(5) of Regulation (EC) No 2007/2004, the second sentence is hereby replaced by the following:

⁸⁴ OJ C [...], [...], p. [...].

⁸⁵ OJ C [...], [...], p. [...].

⁸⁶ OJ C [...], [...], p. [...].

⁸⁷ OJ L 349, 25.11.2004, p.1.

“On a proposal from the Commission and after an evaluation, the Management Board may extend them once for a period of not more than five years.

In the evaluation, the Commission shall assess in particular:

- the results achieved in the first term of office and the way in which they have been achieved;
- the Agency’s duties and requirements in the coming years.”

Article 2

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

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

Done at Brussels,

*For the Council
The President*