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A5-0336/2002

9 October 2002

REPORT

on the proposal for amendment of the constituent acts of Community bodies following the adoption of the new Financial Regulation (COM(2002) 406)

1. amending Regulation (EC) No 2965/94 as regards the budgetary and financial rules applicable to the Translation Centre for the Bodies of the European Union and access to the Centre's documents (COM(2002) 406 - C5-0428/2002 - 2002/0167(CNS))
2. amending Regulation (EC) No 2667/2000 as regards the budgetary and financial rules applicable to the European Agency for Reconstruction and access to the Agency's documents (COM(2002) 406 - C5-0429/2002 - 2002/0168(CNS))
3. amending Regulation (EC) No 2309/93 as regards the budgetary and financial rules applicable to the European Agency for the Evaluation of Medicinal Products and access to the Agency's documents (COM(2002) 406 - C5-0430/2002 - 2002/0170(CNS))

4. amending Regulation (EC) No 1360/90 as regards the budgetary and financial rules applicable to the European Training Foundation and access to the Foundation's documents
(COM(2002) 406 - C5-0431/2002 - 2002/0171(CNS))
5. amending Regulation (EC) No 1365/75 as regards the budgetary and financial rules applicable to the European Foundation for the Improvement of Living and Working Conditions and access to the Foundation's documents and repealing Regulation (EEC) No 1417/76
(COM(2002) 406 - C5-0432/2002 - 2002/0172(CNS))
6. amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime
(COM(2002) 406 - C5-0433/2002 - 2002/0173(CNS))
7. amending Regulation (EC) No 2100/94 as regards the internal audit and control systems applicable to the Community Plant Variety Office and access to the Office's documents
(COM(2002) 406 - C5-0434/2002 - 2002/0174(CNS))
8. amending Regulation (EC) 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
(COM(2002) 406 - C5-0435/2002 - 2002/0175(CNS))
9. amending Regulation (EC) No 1035/97 as regards the budgetary and financial rules applicable to the European Monitoring Centre on Racism and Xenophobia and access to the Centre's documents
(COM(2002) 406 - C5-0436/2002 - 2002/0176(CNS))
10. amending Regulation (EC) No 40/94 as regards the internal audit and control systems applicable to the Office for Harmonisation in the Internal Market and access to the Office's documents
(COM(2002) 406 - C5-0437/2002 - 2002/0177(CNS))
11. amending Regulation (EC) No 2062/94 as regards the budgetary and financial rules applicable to the European Agency for Safety and Health at Work and access to the Agency's documents
(COM(2002) 406 - C5-0438/2002 - 2002/0178(CNS))

12. amending Regulation (EC) No 337/75 as regards the budgetary and financial rules applicable to the European Centre for the Development of Vocational Training and access to the Centre's documents and repealing Regulation (EEC) No 1416/76
(COM(2002) 406 - C5-0439/2002 - 2002/0180(CNS))

Committee on Budgets

Rapporteur: Gianfranco Dell'Alba

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 23 September 2002 the Council consulted Parliament, pursuant to Articles 308, 279 and 284 of the EC Treaty and Articles 31 and 34 of the Treaty on European Union, on the proposal for a Council regulation on the constituent acts of Community bodies following the adoption of the new financial regulation (COM(2002) 406 – 2002/0167, 0168, 0170, 0171, 0172, 0173, 0174, 0175, 0176, 0177, 0178, 0180 (CNS)).

At the sitting of 23 September 2002 the President of Parliament announced that he had referred these proposals to the Committee on Budgets as the committee responsible and the Committee on Budgetary Control, the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the Committee on Constitutional Affairs for their opinions (C5-0428, 0429, 0430, 0431, 0432, 0433, 0434, 0435, 0436, 0437, 0438, 0439/2002).

The Committee on Budgets had appointed Gianfranco Dell'Alba rapporteur at its meeting of 28 August 2002.

The committee considered the Commission proposals and the draft report at its meetings of 11 September 2002 and 2 October 2002.

At the latter meeting it adopted the draft legislative resolutions unanimously.

The following were present for the vote: Terence Wynn, chairman; Reimer Böge, Anne Elisabet Jensen and Franz Turchi, vice-chairmen; Gianfranco Dell'Alba, rapporteur; Ioannis Averoff, Herbert Bösch (for Joan Colom i Naval), Paulo Casaca (for Neena Gill), Bárbara Dührkop Dührkop, James E.M. Elles, Göran Färm, Salvador Garriga Polledo, Anne-Karin Glase (for Den Dover), Friedrich-Wilhelm Graefe zu Baringdorf (for Kathalijne Maria Buitenweg), Catherine Guy-Quint, Jutta D. Haug, Christopher Heaton-Harris (for Markus Ferber), María Esther Herranz García, Wolfgang Ilgenfritz, Wilfried Kuckelkorn, Jan Mulder, Juan Andrés Naranjo Escobar, Joaquim Píscarreta, Guido Podestà, Rijk van Dam (for Michel Raymond), Alejo Vidal-Quadras Roca (for Thierry B. Jean-Pierre), Kyösti Tapio Virrankoski, Ralf Walter and Brigitte Wenzel-Perillo.

The opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs are attached. The Committee on Constitutional Affairs decided on 11 September 2002 not to deliver an opinion.

The report was tabled on 9 October 2002.

1. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 2965/94 as regards the budgetary and financial rules applicable to the Translation Centre for the Bodies of the European Union and access to the Centre's documents (COM(2002) 406 - C5-0428/2002 - 2002/0167(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Article 308 of the EC Treaty (C5-0428/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, the Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 1
RECITAL 2 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 2
ARTICLE 1, PARAGRAPH 1
Article 8, paragraph 3 a (new) (Regulation (EC) No 2965/94)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

Amendment 3
ARTICLE 1, PARAGRAPH 3
Article 10, paragraph 2 d (new) (Regulation (EC) No 2965/94)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 2a (new).

Amendment 4

ARTICLE 1, PARAGRAPH 4

Article 13, paragraph 1 a (new) (Regulation (EC) No 2965/94)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 5

ARTICLE 1, PARAGRAPH 4

Article 13, paragraph 2 a (new) (Regulation (EC) No 2965/94)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 6

ARTICLE 1, PARAGRAPH 4

Article 13, paragraph 3 a (new) (Regulation (EC) No 2965/94)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management

board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 7

ARTICLE 1, PARAGRAPH 5

Article 14, paragraph 1 a (new) (Regulation (EC) No 2965/94)

The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body or by the financial rules, adopted by the management board, within the meaning of Article 185 of the general Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 8

ARTICLE 1, PARAGRAPH 5

Article 14, paragraph 8 a (new) (Regulation (EC) No 2965/94)

The Director shall submit to the European Parliament, at the latter's request and in accordance with the conditions set out in Article 146(3) of the general Financial Regulation, any information required for the smooth

application of the discharge procedure for the financial year in question.

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 9

ARTICLE 1, PARAGRAPH 6

Article 15, paragraph 1 a (new) (Regulation (EC) No 2965/94)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

Amendment 10

ARTICLE 1, PARAGRAPH 6

Article 15 a (new) (Regulation (EC) No 2965/94)

In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

2. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 2667/2000 as regards the budgetary and financial rules applicable to the European Agency for Reconstruction and access to the Agency's documents (COM(2002) 406 - C5-429/2002 - 2002/0168(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Article 308 of the EC Treaty (C5-0429/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, the Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 11
RECITAL 4 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 12
ARTICLE 1, PARAGRAPH 1
Article 4, paragraph 14 a (new) (Regulation (EC) No 2667/2000)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

Amendment 13
ARTICLE 1, PARAGRAPH 2 A (NEW)
Article 6, paragraph 3 a (new) (Regulation (EC) No 2667/2000)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 4a (new).

Amendment 14

ARTICLE 1, PARAGRAPH 3

Article 7, paragraph 4 a (new) (Regulation (EC) No 2667/94)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 15

ARTICLE 1, PARAGRAPH 3

Article 7, paragraph 5 a (new) (Regulation (EC) No 2667/94)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 16

ARTICLE 1, PARAGRAPH 3

Article 8, paragraph 1 a (new) (Regulation (EC) No 2667/2000)

The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body or by

the financial rules, adopted by the management board, within the meaning of Article 185 of the general Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 17

ARTICLE 1, PARAGRAPH 3

Article 8, paragraph 4 a (new) (Regulation (EC) No 2667/2000)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 18

ARTICLE 1, PARAGRAPH 3

Article 8, paragraph 8 a (new) (Regulation (EC) No 2667/2000)

The Director shall submit to the European Parliament, at the latter's request and in accordance with the conditions set out in Article 146(3) of the general Financial Regulation, any information required for the smooth application of the discharge procedure for

the financial year in question.

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 19

ARTICLE 1, PARAGRAPH 4

Article 9 a (new) (Regulation (EC) No 2667/2000)

In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

Amendment 20

ARTICLE 1, PARAGRAPH 4A (NEW)

Article 10 a (new) (Regulation (EC) No 2667/2000)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

3. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 2309/93 as regards the budgetary and financial rules applicable to the European Agency for the Evaluation of Medicinal Products and access to the Agency's documents (COM(2002) 406 - C5-0430/2002 - 2002/0170(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Article 308 of the EC Treaty (C5-0430/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 21
RECITAL 10 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 22
ARTICLE 1, PARAGRAPH 2
Article 56, paragraph 5 a (new) (Regulation (EEC) No 2309/93)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

Amendment 23
ARTICLE 1, PARAGRAPH 3
Article 57, paragraph 1 a (new) (Regulation (EEC) No 2309/93)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 10a (new).

Amendment 24

ARTICLE 1, PARAGRAPH 3

Article 57, paragraph 5 a (new) (Regulation (EEC) No 2309/93)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 25

ARTICLE 1, PARAGRAPH 3

Article 57, paragraph 6 a (new) (Regulation (EEC) No 2309/93)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 26
ARTICLE 1, PARAGRAPH 3
Article 57, paragraph 7 a (new) (Regulation (EEC) No 2309/93)

The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body or by the financial rules, adopted by the management board, within the meaning of Article 185 of the general Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 27
ARTICLE 1, PARAGRAPH 3
Article 57, paragraph 9 a (new) (Regulation (EEC) No 2309/93)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 28
ARTICLE 1, PARAGRAPH 3
Article 57, paragraph 15 a (new) (Regulation (EEC) No 2309/93)

The Director shall submit to the European Parliament, at the latter's

request and in accordance with the conditions set out in Article 146(3) of the general Financial Regulation, any information required for the smooth application of the discharge procedure for the financial year in question.

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 29
ARTICLE 1, PARAGRAPH 3
Article 57 a (new) (Regulation (EEC) No 2309/93)

In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

Amendment 30
ARTICLE 1, PARAGRAPH 3 A (NEW)
Article 59, paragraph 1 a (new) (Regulation (EEC) No 2309/93)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves

to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

4. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 1360/90 as regards the budgetary and financial rules applicable to the European Training Foundation and access to the Foundation's documents (COM(2002) 406 - C5-0431/2002 - 2002/0171(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Article 308 of the EC Treaty (C5-0431/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 31
RECITAL 4 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 32
ARTICLE 1, PARAGRAPH 2
Article 5, paragraph 9 a (new) (Regulation (EEC) No 1360/90)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

Amendment 33
ARTICLE 1, PARAGRAPH 3 A (NEW)
Article 9, paragraph 3 a (new) (Regulation (EEC) No 1360/90)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 4a (new).

Amendment 34

ARTICLE 1, PARAGRAPH 4

Article 10, paragraph 1 a (new) (Regulation (EEC) No 1360/90)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 35

ARTICLE 1, PARAGRAPH 4

Article 10, paragraph 2 a (new) (Regulation (EEC) No 1360/90)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 36

ARTICLE 1, PARAGRAPH 4

Article 10, paragraph 4 a (new) (Regulation (EEC) No 1360/90)

Before taking any decision which has financial implications and which may have an impact on the amount of the

Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 37

ARTICLE 1, PARAGRAPH 5

Article 11, paragraph 1 a (new) (Regulation (EEC) No 1360/90)

The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body or by the financial rules, adopted by the management board, within the meaning of Article 185 of the general Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 38

ARTICLE 1, PARAGRAPH 5

Article 11, paragraph 9 a (new) (Regulation (EEC) No 1360/90)

The Director shall submit to the European Parliament, at the latter's request and in accordance with the conditions set out in Article 146(3) of the general Financial Regulation, any information required for the smooth application of the discharge procedure for the financial year in question.

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 39

ARTICLE 1, PARAGRAPH 6

Article 12 a (new) (Regulation (EEC) No 1360/90)

In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

Amendment 40

ARTICLE 1, PARAGRAPH 6 A (NEW)

Article 15, paragraph 1 a (new) (Regulation (EEC) No 1360/90)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

5. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 1365/75 as regards the budgetary and financial rules applicable to the European Foundation for the Improvement of Living and Working Conditions and access to the Foundation's documents and repealing Regulation (EEC) No 1417/76 (COM(2002) 406 - C5-0432/2002 - 2002/0172(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Articles 308 and 279 of the EC Treaty (C5-0432/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 41
RECITAL 5 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 42
ARTICLE 1, PARAGRAPH 2
Article 13, paragraph 1 a (new) (Regulation (EEC) No 1365/75)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 43
ARTICLE 1, PARAGRAPH 2
Article 13 a (new) (Regulation (EEC) No 1365/75)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing

or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

Amendment 44

ARTICLE 1, PARAGRAPH 2

Article 15, paragraph 1 a (new) (Regulation (EEC) No 1365/75)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 5a (new).

Amendment 45

ARTICLE 1, PARAGRAPH 2

Article 15, paragraph 2, subparagraph 1 a (new) (Regulation (EEC) No 1365/75)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 46

ARTICLE 1, PARAGRAPH 2

Article 15, paragraph 3 a (new) (Regulation (EEC) No 1365/75)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 47

ARTICLE 1, PARAGRAPH 2

Article 16 1a (new) (Regulation (EEC) No 1365/75)

In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

Amendment 48

ARTICLE 1, PARAGRAPH 5

Article 16, paragraph 2 a (new) (Regulation (EEC) No 1365/75)

The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body or by the financial rules, adopted by the management board, within the meaning of Article 185 of the general Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 49

ARTICLE 1, PARAGRAPH 2

Article 16, paragraph 10 a (new) (Regulation (EEC) No 1365/75)

The Director shall submit to the European Parliament, at the latter's request and in accordance with the conditions set out in Article 146(3) of the general Financial Regulation, any information required for the smooth application of the discharge procedure for the financial year in question.

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 50

ARTICLE 1, PARAGRAPH 2 A (NEW)

Article 17, paragraph 1 a (new) (Regulation (EEC) No 1365/75)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

6. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime (COM(2002) 406 - C5-0433/2002 - 2002/0173(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Articles 31 and 34 of the Treaty on European Union (C5-0433/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 51
RECITAL 15 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 52
ARTICLE 1, PARAGRAPH 1
Article 32, paragraph 1, third subparagraph a (new)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

Amendment 53
ARTICLE 1, PARAGRAPH 1 A (NEW)
Article 34, paragraph 3 a (new)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 15 a (new).

Amendment 54
ARTICLE 1, PARAGRAPH 2
Article 35, paragraph 1 a (new)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 55
ARTICLE 1, PARAGRAPH 2
Article 35, paragraph 3 a (new)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 56
ARTICLE 1, PARAGRAPH 2
Article 35, paragraph 4 a (new)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 57
ARTICLE 1, PARAGRAPH 2
Article 36, paragraph 1, subparagraph 3 (new)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

Amendment 58
ARTICLE 1, PARAGRAPH 2
Article 36, paragraph 1 a (new)

The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the

conditions laid down by the financial regulation of the Community body or by the financial rules, adopted by the management board, within the meaning of Article 185 of the general Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 59
ARTICLE 1, PARAGRAPH 2
Article 36, paragraph 8 a (new)

The Director shall submit to the European Parliament, at the latter's request and in accordance with the conditions set out in Article 146(3) of the general Financial Regulation, any information required for the smooth application of the discharge procedure for the financial year in question.

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 60
ARTICLE 1, PARAGRAPH 2
Article 37 a (new)

In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

7. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 2100/94 as regards the internal audit and control systems applicable to the Community Plant Variety Office and access to the Office's documents (COM(2002) 406 - C5-0434/2002 - 2002/0174(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Article 308 of the EC Treaty (C5-0434/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 61
RECITAL 4 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 62
ARTICLE 1, PARAGRAPH 2 A (NEW)
Article 108, paragraph 3 a (new) (Regulation (EC) No 2100/94)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 4a (new).

Amendment 63
ARTICLE 1, PARAGRAPH 2 A (NEW)
Article 108, paragraph 4 a (new) (Regulation (EC) No 2100/94)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 64

ARTICLE 1, PARAGRAPH 2 A (NEW)

Article 109, paragraph 2 a (new) (Regulation (EC) No 2100/94)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 65

ARTICLE 1, PARAGRAPH 2 A (NEW)

Article 109, paragraph 3 a (new) (Regulation (EC) No 2100/94)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 66
ARTICLE 1, PARAGRAPH 3 A (NEW)
Article 115, paragraph 3 a (new) (Regulation (EC) No 2100/94)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

8. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) 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 (COM(2002) 406 - C5-0435/2002 - 2002/0175(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Article 308 of the EC Treaty (C5-0435/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 67
RECITAL 15 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 68
ARTICLE 1, PARAGRAPH 2
Article 8, paragraph 5 a (new) (Regulation (EEC) No 302/93)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

Amendment 69
ARTICLE 1, PARAGRAPH 4
Article 11, paragraph 4 a (new) (Regulation (EEC) No 302/93)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 15a (new).

Amendment 70

ARTICLE 1, PARAGRAPH 4

Article 11, paragraph 5 a (new) (Regulation (EEC) No 302/93)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 71

ARTICLE 1, PARAGRAPH 4

Article 11, paragraph 6 a (new) (Regulation (EEC) No 302/93)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 72
ARTICLE 1, PARAGRAPH 4
Article 11, paragraph 7 a (new) (Regulation (EEC) No 302/93)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 73
ARTICLE 1, PARAGRAPH 4
Article 11 paragraph 9 a (new) (Regulation (EEC) No 302/93)

The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body or by the financial rules, adopted by the management board, within the meaning of Article 185 of the general Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 74
ARTICLE 1, PARAGRAPH 4
Article 11, paragraph 12 a (new) (Regulation (EEC) No 302/93)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of

discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

Amendment 75

ARTICLE 1, PARAGRAPH 4

Article 11, paragraph 7 a (new) (Regulation (EEC) No 302/93)

The Director shall submit to the European Parliament, at the latter's request and in accordance with the conditions set out in Article 146(3) of the general Financial Regulation, any information required for the smooth application of the discharge procedure for the financial year in question.

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 76

ARTICLE 1, PARAGRAPH 4

Article 11, paragraph 9 a (new) (Regulation (EEC) No 302/93)

In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

9. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 1035/97 as regards the budgetary and financial rules applicable to the European Monitoring Centre on Racism and Xenophobia and access to the Centre's documents (COM(2002) 406 - C5-0436/2002 - 2002/0176(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Articles 308 and 284 of the EC Treaty (C5-0436/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 77
RECITAL 23 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 78
ARTICLE 1, PARAGRAPH 3
Article 8, paragraph 43, point b a (new) (Regulation (EEC) No 1035/97)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

Amendment 79
ARTICLE 1, PARAGRAPH 5
Article 12, paragraph 5 a (new) (Regulation (EEC) No 1035/97)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is

made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 80

ARTICLE 1, PARAGRAPH 5

Article 12, paragraph 6 a (new) (Regulation (EEC) No 1035/97)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 81

ARTICLE 1, PARAGRAPH 5

Article 12, paragraph 7 a (new) (Regulation (EEC) No 1035/97)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell’Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 82

ARTICLE 1, PARAGRAPH 5

Article 12, paragraph 8 a (new) (Regulation (EEC) No 1035/97)

The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body or by the financial rules, adopted by the management board, within the meaning of Article 185 of the general Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 83

ARTICLE 1, PARAGRAPH 5

Article 12, paragraph 12 a (new) (Regulation (EEC) No 1035/97)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

Amendment 84

ARTICLE 1, PARAGRAPH 5

Article 12, paragraph 6 a (new) (Regulation (EEC) No 1035/97)

The Director shall submit to the European Parliament, at the latter's request and in accordance with the conditions set out in Article 146(3) of the general Financial Regulation, any information required for the smooth application of the discharge procedure for the financial year in question.

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 85

ARTICLE 1, PARAGRAPH 5

Article 12, paragraph 8 a (new) (Regulation (EEC) No 1035/97)

In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

10. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 40/94 as regards the internal audit and control systems applicable to the Office for Harmonisation in the Internal Market and access to the Office's documents (COM(2002) 406 - C5-0437/2002 - 2002/0177(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Article 308 of the EC Treaty (C5-0437/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 86
RECITAL 17 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 87
ARTICLE 1, PARAGRAPH 2 A (NEW)
Article 134, paragraph 2 a (new) (Regulation (EC) No 40/94)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 88
ARTICLE 1, PARAGRAPH 2 A (NEW)
Article 134, paragraph 3 a (new) (Regulation (EC) No 40/94)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 17a (new).

Amendment 89

ARTICLE 1, PARAGRAPH 2 A (NEW)

Article 135, paragraph 2 a (new) (Regulation (EC) No 40/94)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 90

ARTICLE 1, PARAGRAPH 2 A (NEW)

Article 135, paragraph 3 a (new) (Regulation (EC) No 40/94)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 91

ARTICLE 1, PARAGRAPH 3 A (NEW)

Article 138, paragraph 1 a (new) (Regulation (EC) No 40/94)

Technical expertise tasks and

administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

11. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 2062/94 as regards the budgetary and financial rules applicable to the European Agency for Safety and Health at Work and access to the Agency's documents (COM(2002) 406 - C5-0438/2002 - 2002/0178(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Article 308 of the EC Treaty (C5-0438/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 92
RECITAL 17 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 93
ARTICLE 1, PARAGRAPH 2
Article 10, paragraph 2 a (new) (Regulation (EC) No 2062/94)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

Amendment 94
ARTICLE 1, PARAGRAPH 3 A (NEW)
Article 12, paragraph 3 a (new) (Regulation (EC) No 2062/94)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 17a (new).

Amendment 95

ARTICLE 1, PARAGRAPH 3 A (NEW)

Article 12, paragraph 4 a (new) (Regulation (EC) No 2062/94)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 96

ARTICLE 1, PARAGRAPH 4

Article 13, paragraph 2 a (new) (Regulation (EC) No 2062/94)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 97
ARTICLE 1, PARAGRAPH 4
Article 13, paragraph 3 a (new) (Regulation (EC) No 2062/94)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 98
ARTICLE 1, PARAGRAPH 4
Article 14, paragraph 1 a (new) (Regulation (EC) No 2062/94)

The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body or by the financial rules, adopted by the management board, within the meaning of Article 185 of the general Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 99
ARTICLE 1, PARAGRAPH 4
Article 8, paragraph 9 a (new) (Regulation (EC) No 2667/2000)

The Director shall submit to the European Parliament, at the latter's request and in accordance with the

conditions set out in Article 146(3) of the general Financial Regulation, any information required for the smooth application of the discharge procedure for the financial year in question.

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 100

ARTICLE 1, PARAGRAPH 4

Article 15, paragraph 1 a (new) (Regulation (EC) No 2062/94)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B ... A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

Amendment 101

ARTICLE 1, PARAGRAPH 4

Article 15 a (new) (Regulation (EC) No 2062/94)

In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

12. DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 337/75 as regards the budgetary and financial rules applicable to the European Centre for the Development of Vocational Training and access to the Centre's documents and repealing Regulation (EEC) No 1416/76 (COM(2002) 406 - C5-0439/2002 - 2002/0180(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 406¹),
 - having been consulted by the Council pursuant to Articles 308 and 279 of the EC Treaty (C5-0439/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0336/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council, Commission and the Court of Auditors.

¹ OJ C (not yet published).

Amendment 102
RECITAL 5 A (NEW)

Within the constituent acts relating to the specialist bodies referred to in this regulation the Commission provides scope for the Member States in which those bodies have their seat to make a direct or indirect financial contribution.

Justification

In view of the recent increase in the number of agencies and the impact which they have on the Community budget, such a provision should be included in the framework regulation.

Amendment 103
ARTICLE 1, PARAGRAPH 2
Article 10, paragraph 1 a (new) (Regulation (EEC) No 337/75)

The revenue shall include any financial contribution from the Member State in which the body has its seat.

Justification

See the justification to the amendment relating to recital 5a (new).

Amendment 104
ARTICLE 1, PARAGRAPH 2
Article 10, paragraph 1 b (new) (Regulation (EEC) No 337/75)

The statement of expenditure may be presented using a nomenclature based on the nature and/or objective of the expenditure, provided that a distinction is made between administrative appropriations and operating appropriations. This nomenclature shall be defined by the Community body.

Justification

This definition, which exists in the traditional nomenclature and in the ABB nomenclature, must be retained.

Amendment 105

ARTICLE 1, PARAGRAPH 3

Article 11, paragraph 2 a (new) (Regulation (EEC) No 337/75)

Before taking any decision which has financial implications and which may have an impact on the amount of the Community subsidy for the current year or for subsequent years, the management board shall notify the budgetary authority. If neither arm of the budgetary authority has raised any objection within six weeks, the management board shall adopt the final decision.

Justification

The Community agencies implement the Community policies designated in their basic acts, for which purpose they receive a subsidy from the Community budget. The budgetary authority must therefore be notified of any decisions which may have an impact on the budget before such decisions are taken.

Amendment 106

ARTICLE 1, PARAGRAPH 3

Article 11, paragraph 3 a (new) (Regulation (EEC) No 337/75)

The final budget shall be adopted by the management board of the Community body following final adoption of the EU budget establishing the amount of the subsidy and the establishment plan.

Justification

Since the bodies may be allocated a subsidy from the EU budget, they cannot finally adopt their budgets until the EU has adopted its budget. These provisions were included in the Dell'Alba report (A5-276/2001) which was adopted in November 2001.

Amendment 107

ARTICLE 1, PARAGRAPH 4

Article 12, paragraph 1 a (new) (Regulation (EEC) No 337/75)

In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

Amendment 108

ARTICLE 1, PARAGRAPH 4

Article 12, paragraph 2 a (new) (Regulation (EEC) No 337/75)

The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body or by the financial rules, adopted by the management board, within the meaning of Article 185 of the general Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 109

ARTICLE 1, PARAGRAPH 4

Article 12 a (new) (Regulation (EEC) No 337/75)

Technical expertise tasks and administrative, preparatory or ancillary tasks involving neither the exercise of public authority nor the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable. The appropriations allocated to such tasks shall be identified as administrative appropriations.

Justification

By analogy with the B and A headings of the general budget, the agencies must enter the appropriations against title 1 or title 2 of their budget.

Amendment 110

ARTICLE 1, PARAGRAPH 5

Article 12 a, paragraph 7 a (new) (Regulation (EEC) No 337/75)

The Director shall submit to the European Parliament, at the latter's request and in accordance with the conditions set out in Article 146(3) of the general Financial Regulation, any information required for the smooth application of the discharge procedure for the financial year in question.

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 111
ARTICLE 1, PARAGRAPH 6
Article 12 b (new) (Regulation (EEC) No 337/75)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

1 October 2002

OPINION OF THE COMMITTEE ON BUDGETARY CONTROL

for the Committee on Budgets

on the proposal for a Commission regulation on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) (Financial Regulation applicable to the general budget)
(SEC(2002) 836 – C5-0400/2002 – 2002/0902(CNS))

and the proposal for amendment of the constituent acts of Community bodies following the adoption of the new Financial Regulation
(COM(2002) 406 – C5-0371 to 0374/2002)

Draftsman: Michiel van Hulten

PROCEDURE

The Committee on Budgetary Control appointed Michiel van Hulten draftsman at its meeting of 2 September 2002.

It considered the draft opinion at its meeting of 1 October 2002.

At that meeting it adopted the following amendments unanimously.

It also unanimously called on the Committee on Budgets to transpose into its reports relating to proposal COM(2002) 406 final, at the appropriate time, Amendments 1, 2, 4 and 5 adopted by the Committee on Budgetary Control which relate to document SEC(2002) 836 final. It authorised its rapporteur accordingly.

The following were present for the vote: Herbert Bösch (1st vice-chairman and acting chairman), Paulo Casaca (2nd vice-chairman), Freddy Blak (3rd vice-chairman), Michiel van Hulten (draftsman), Generoso Andria, María Antonia Avilés Perea, Juan José Bayona de Perogordo, Mogens N.J. Camre, Christopher Heaton-Harris, Brigitte Langenhagen, Emmanouil Mastorakis (for Helmut Kuhne), Eluned Morgan, Jan Mulder (for Antonio Di Pietro), Heide Rühle (for Bart Staes), Ole Sørensen and Rijk van Dam (for Jeffrey William Titford).

SHORT JUSTIFICATION

The amendments your draftsman is submitting for approval by the Committee on Budgetary Control relate to the draft framework Financial Regulation for the 'agencies' (SEC(2002) 836 final).

The objective is to:

- transpose the provisions of the general Financial Regulation to the framework financial regulation for the 'agencies' in a tailored, but also faithful fashion;
- ensure that, on the basis of the framework Financial Regulation for the 'agencies', the amendments to be made to the constituent instruments of those bodies reduce disparities between their governing rules and regulations, while taking account of the specific operational demands of each.

Your draftsman is proposing a limited number of amendments seeking to:

- provide the discharge authority with appropriate information on the follow-up to work on evaluating agency programmes and activities and on measures to prevent the risk of fraud and irregularities (Amendment 1);
- provide a clear framework, in keeping with Article 185 of the general Financial Regulation, concerning delegation of powers to implement each agency's budget (Amendment 2);
- provide Parliament, in its capacity as discharge authority, with information in keeping with the provisions of the general Financial Regulation (Amendment 4);
- ensure that Parliament, together with the Council and the Court of Auditors, is consulted in the event that the framework Financial Regulation for the 'agencies' is amended (Amendment 5).

Amendments 3 and 6 seek to add to the framework Financial Regulation for the 'agencies' and should therefore not be transposed into the agencies' constituent instruments.

Conclusions:

Your draftsman therefore proposes that the six amendments put forward below be adopted.

He would also request authorisation from the committee to ensure transposition of the four cross-cutting amendments (1, 2, 4 and 5) into the agencies' respective constituent instruments. Those instruments which are set out in proposal COM(2002) 406 final, will also be the subject of reports for which the Committee on Budgets is the committee responsible.

AMENDMENTS

The Committee on Budgetary Control calls on the Committee on Budgets, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 Article 25, paragraph 4 a (new)

Each year, the Community body shall forward to the discharge authority all relevant information concerning the results of the evaluation procedures. It shall also provide information on existing or planned measures to prevent the risk of fraud and irregularities.

Justification

This is essential information which the discharge authority must have at its disposal in order to carry out its task.

Amendment 2 Article 34, paragraph 1

1. The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body and by other rules which may be adopted by the management board. Those so empowered may act only within the limits of the powers expressly conferred upon them.

1. The Director may delegate his powers of budget implementation to staff of the Community body covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Community body ***or by the financial rules***, adopted by the management board, ***within the meaning of Article 185 of the general Financial Regulation***. Those so empowered may act only within the limits of the powers expressly conferred upon them.

¹ Not yet published in OJ.

Justification

The conditions for the delegation of powers to implement the budgets of Community bodies must conform to the framework outlined by Article 185 of the general Financial Regulation.

Amendment 3 Article 56, paragraph 3

3. Where the authorising officer responsible is planning to waive recovery of an established amount receivable, he shall ensure that the waiver is in order and complies with the principle of sound financial management.

Such a waiver shall be by decision of the authorising officer, which must be substantiated. The authorising officer may not delegate such a decision.

The waiver decision shall state what action has been taken to secure recovery and the points of law and fact on which it is based.

3. Where the authorising officer responsible is planning to waive recovery of an established amount receivable, he shall ensure that the waiver is in order and complies with the principle of sound financial management ***and proportionality***

Such a waiver shall be by decision of the authorising officer, which must be substantiated. The authorising officer may not delegate such a decision.

The waiver decision shall state what action has been taken to secure recovery and the points of law and fact on which it is based.

Justification

In accordance with Article 73(2) of the general Financial Regulation.

Amendment 4 Article 96, paragraph 3

3. The Director shall submit to the European Parliament, at the latter's request, any information required for the control of the implementation of the budget of the year in question.

3. The Director shall submit to the European Parliament, at the latter's request ***and in accordance with the conditions set out in Article 146(3) of the general Financial Regulation***, any

information required for the *smooth application of the discharge procedure for the financial year in question.*

Justification

The aim is to bring the wording into line with that used in Article 146(3) of the general Financial Regulation.

Amendment 5
Article 101 a (new)

Whenever it proves necessary to do so, this Regulation shall be the subject of a review. In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.

Justification

Parliament must be involved in the event of revision of the framework regulation for the 'agencies' by analogy with Article 184 of the general Financial Regulation. With a view to inserting this cross-cutting amendment into the agencies' respective constituent instruments, however, only the second sentence should be included: 'In the event of revision of the framework Financial Regulation for the bodies referred to in Article 185 of the general Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.'

Amendment 6
Article 2, indent 1

For the purposes of this Regulation:

For the purposes of this Regulation:
— "Community body" shall mean any body referred to in Article 185(1) of the

— "Community body" shall mean any body referred to in Article 185(1) of the general Financial Regulation.

general Financial Regulation *and in Article 266 of the detailed rules for the implementation thereof.*

Justification

The objective of the amendment is to make reference to the article in the detailed implementing rules which lists the agencies.

13 September 2002

OPINION OF THE COMMITTEE ON CITIZENS' FREEDOMS AND RIGHTS, JUSTICE AND HOME AFFAIRS

for the Committee on Budgets

on the proposal amending the constituent instruments applicable to the Community bodies further to the adoption of the new financial regulation

(COM(2002) 406 – C5-0371/02 – C5-0372/02 – C5-0373/02 – C5-0374/02 – 2002/0167 (CNS) – 2002/0168 (CNS) – 2002/0169 (COD) – 2002/0170 (CNS) – 2002/0171 (CNS) – 2002/0172 (CNS) – 2002/0173 (CNS) 2002/0174 (CNS) – 2002/0175 (CNS) – 2002/0176 (CNS) – 2002/0177 (CNS) 2002/0178 (CNS) – 2002/0179 (COD) – 2002/0180 (CNS) – 2002/0181 (COD) – 2002/0182 (COD))

Draftsman: Jorge Salvador Hernández Mollar

PROCEDURAL PAGE

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Jorge Salvador Hernández Mollar draftsman at its meeting of 11 September 2002.

It considered the draft opinion at its meeting of 12 September 2002.

At the latter meeting it adopted the following amendments by 17 votes to 1, with 3 abstentions.

The following were present for the vote: Jorge Salvador Hernández Mollar (chairman, draftsman), Robert J.E. Evans (vice-chairman), Giacomo Santini (vice-chairman), Alima Boumediene-Thiery, Marco Cappato (for Mario Borghezio), Michael Cashman, Ozan Ceyhun, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Gerardo Galeote Quecedo (for Hubert Pirker), Adeline Hazan, Anna Karamanou (for Elena Ornella Paciotti), Eva Klamt, Alain Krivine (for Ilka Schröder), Baroness Sarah Ludford, Bill Newton Dunn, Patsy Sørensen, Joke Swiebel, Fodé Sylla, Anna Terrón i Cusí and Maurizio Turco.

SHORT JUSTIFICATION

The amendments that fall within the remit of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs concern the application to Parliament's agencies of principles of transparency and confidentiality such as those referred to in Article 225 of the EC Treaty and detailed in Regulation 1049/01. When this regulation was adopted Parliament, the Council and the Commission adopted a declaration ⁽¹⁾ whose aim was to ensure that the agencies set up by these institutions complied with the same principles and limits as regards transparency and confidentiality as apply to the institutions themselves. This fulfils not only the general legal principle that one cannot confer more extensive rights than one enjoys oneself, but also, and more importantly, the need to ensure that these agencies are publicly accountable for their activities.

The amendments proposed by the Commission to the regulations establishing the agencies implement the undertaking entered into in that declaration in every case except that of the European Police College (CEPOL) (Council Decision of 22 December 2000 establishing a European Police College (CEPOL))(Official Journal L 336, 30/12/2000 p. 1, p. 3).

This exception is inexplicable, given that the principles and limits of transparency, as defined by Regulation 1049/01 in application of Article 255 of the Treaty, also apply to the EU Treaty (in accordance with the provisions of Article 41 of the Treaty on European Union). In addition, other agencies set up under the third pillar, such as Eurojust, already refer to Regulation 1049/01 in their constituent instruments⁽²⁾.

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs therefore proposes amending the Commission proposal by including amendments to the Council Decision of 22 December 2000 establishing a European Police College (CEPOL))(Official Journal L 336, 30/12/2000 p. 1, p. 3).

¹ *Joint declaration relating to 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 (OJ L 145, 31.5.2001, p.43)*

1. The European Parliament, the Council and the Commission agree that the agencies and similar bodies created by the legislator should have rules on access to their documents which conform to those of this Regulation. To this effect, the European Parliament and the Council welcome the Commission's intention to propose, as soon as possible, amendments to the acts establishing the existing agencies and bodies and to include provisions in future proposals concerning the establishment of such agencies and bodies. They undertake to adopt the necessary acts rapidly.

2. The European Parliament, the Council and the Commission call on the institutions and bodies not covered by paragraph 1 to adopt internal rules on public access to documents which take account of the principles and limits in this Regulation.'

² Article 39 'On the basis of a proposal by the Administrative Director, the College shall adopt rules for access to Eurojust documents, taking account of the principles and limits stated in 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'.

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs calls on the Committee on Budgets, as the committee responsible, to incorporate the following amendments in its report:

AMENDMENT

The Council Decision of 22 December 2000 establishing a European Police College (CEPOL))(Official Journal L 336, 30/12/2000 p. 1, p. 3) is amended as follows:

1. The following recitals to be added (6a, 6b and 6c):

- (6 a) *whereas the general principles and the limits which govern the right of access to documents, provided for in Article 255 of the Treaty, were established 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 documents¹.***
- (6 b) *whereas when Regulation (EC)1049/2001 was adopted, the three institutions agreed in a joint declaration that the agencies and similar bodies should implement rules conforming to that Regulation.***
- (6 c) *whereas this Decision should include the necessary provisions to make Regulation (EC)1049/2001 applicable to the European Police College (CEPOL), as well as a judicial remedy clause ensuring that the right of appeal can be exercised in the event of access to documents being refused.***

2. The following new article (8 a) to be added:

- 8 a. *Regulation (EC) 1049/2001 of the European Parliament and of the Council² shall apply to the documents held by the European Police College (CEPOL). The Governing Body shall adopt the measures for the implementation of Regulation (EC) 1049/2001 within a period of six months following the entry into force of this Regulation.***

The decisions taken by the Governing Body by virtue of Article 8 of Regulation (EC) 1049/2001 may be subject to legal redress in the form of a complaint to the Ombudsman or an appeal before the Court of Justice, under the conditions laid down in Articles 195 and 230 of the Treaty respectively.

¹ OJ L 145, 31.5.2001, p. 43.

² OJ L 145, 31.5.2001, p. 43.