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REPORT

on the proposal for a Council regulation on the European Monitoring Centre for Drugs and Drug Addiction - (recast)
(COM(2003) 808 – C5-0060/2004 – 2003/0311(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Ozan Ceyhun

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 3 February 2004 the Council consulted Parliament, pursuant to Article 308 of the EC Treaty, on the proposal for a Council regulation on the European Monitoring Centre for Drugs and Drug Addiction - (recast) (COM(2003) 808 – 2003/0311(CNS)).

At the sitting of 9 February 2004 the President of Parliament announced that he had referred the proposal to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and the Committee on the Environment, Public Health and Consumer Policy for its opinion (C5-0060/2004).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Ozan Ceyhun rapporteur at its meeting of 21 January 2004.

The committee considered the Commission proposal and draft report at its meetings of 18 February 2004, 18 March 2004 and 6 April 2004.

At the last meeting it adopted the draft legislative resolution by 26 votes to 14, with 0 abstentions.

The following were present for the vote: Jorge Salvador Hernández Mollar (chairman), Johanna L.A. Boogerd-Quaak (vice-chairwoman), Ozan Ceyhun (rapporteur), Mary Elizabeth Banotti, Regina Bastos (for Carlos Coelho pursuant to Rule 153(2)), Maria Berger (for Gerhard Schmid), Christian Ulrik von Boetticher, Marco Cappato (for Mario Borghezio), Michael Cashman, Carmen Cerdeira Morterero, Gérard M.J. Deprez, Antonio Di Pietro (for Francesco Rutelli), Rosa M. Díez González (for Sérgio Sousa Pinto), Olivier Duhamel (for Adeline Hazan), Marie-Thérèse Hermange (for Bernd Posselt), Sylvia-Yvonne Kaufmann (for Ole Krarup), Margot Keßler, Heinz Kindermann (for Martin Schulz pursuant to Rule 153(2)), Timothy Kirkhope, Eva Klamt, Alain Krivine (for Fodé Sylla), Jean Lambert (for Alima Boumediene-Thiery), Lucio Manisco (for Giuseppe Di Lello Finuoli), Manuel Medina Ortega (for Robert J.E. Evans), Hartmut Nassauer, Bill Newton Dunn, Arie M. Oostlander (for Charlotte Cederschiöld), Marcelino Oreja Arburúa, Elena Ornella Paciotti, Hubert Pirker, Martine Roure, Heide Rühle, Ilka Schröder, Ole Sørensen (for Baroness Ludford), Patsy Sörensen, The Earl of Stockton (for Giacomo Santini), Joke Swiebel, Anna Terrón i Cusí, Maurizio Turco and Ian Twinn.

The opinion of the Committee on the Environment, Public Health and Consumer Policy is attached.

The report was tabled on 7 April 2004.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation on the European Monitoring Centre for Drugs and Drug Addiction - (recast)
(COM(2003) 808 – C5-0060/2004 – 2003/0311(CNS))

(Consultation procedure)

The European Parliament,

– having regard to the Commission proposal to the Council (COM(2003) 808)[1],

– having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0060/2004),

– having regard to Rule 67 of its Rules of Procedure,

– having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on the Environment, Public Health and Consumer Policy (A5-0248/2004),

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 if it intends 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 the Council to consult Parliament again if it intends to amend the Commission proposal substantially;

6. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission	Amendments by Parliament
	Amendment 1 Recital 4
(4) The drug phenomenon comprises many complex and closely interwoven aspects which cannot easily be dissociated; therefore, the Centre should be entrusted with the task of furnishing overall information which ***will help to provide the***	(4) The drug phenomenon comprises many complex and closely interwoven aspects which cannot easily be dissociated; therefore, the Centre should be entrusted with the task of furnishing overall information which should not prejudice the

[1] Not yet published in OJ.

Community and its Member States with an overall view of the drug and drug addiction phenomenon. This task should not prejudice the allocation of powers between the Community and its Member States with regard to the legislative provisions concerning drug supply and demand.	allocation of powers between the Community and its Member States with regard to the legislative provisions concerning drug supply and demand.

Justification

The deleted part repeats what is already said in Recital 2.

Amendment 2
Recital 7 a (new)

	(7a) The Centre should also be entrusted with the task of evaluation of different drug policies in Member States in order to facilitate the dissemination of best practice.

Justification

Member States should learn from each other's experience on combatting drug abuse. The Centre could facilitate this by evaluating the impact of different policies.

Amendment 3
Recital 12

(12) Since the European Parliament is the discharge authority and in order to avoid any conflict of interests during the annual discharge procedure, it is preferable that the European Parliament no longer be represented on the EMCDDA's Management Board.	***deleted***

Justification

Parliament should continue to have two representatives on the Management board.

Amendment 4
Recital 13

(13) In view of its size, the Centre's Management Board should be assisted by a Steering Committee.	***deleted***

Justification

See justification for amendment on Article 10.

Amendment 5
Recital 14

(14) In order to ensure that the European Parliament is well informed of the state of the drugs phenomenon in the European Union, ***it must be able to question the Centre's Director***.	(14) In order to ensure that the European Parliament is regularly and well informed of the state of the drugs phenomenon in the European Union, ***two Members of the European Parliament should represent it in the Management Board***.

Justification

The European Parliament should continue to have two representatives on the Management Board because that is the best way to guarantee that Parliament is properly informed about the work of the Centre. But contrary to the present system, where Parliament nominates two scientists to the Management Board, it should nominate two MEPs. Experience has shown that the present system does not work properly. Two MEPs on the board would create a direct link between the Parliament and the Centre.

Amendment 6
Recital 16

(16) An external evaluation of the EMCDDA's work should be conducted ***on a regular basis***, and this Regulation should be adapted accordingly, if needed.	(16) An external evaluation of the EMCDDA's work ***and the Reitox focal points*** should be conducted ***every five years***, and this Regulation should be adapted accordingly, if needed.

Justification

For the first part of the amendment: See justification for amendment on Article 23. For the second part of the amendment: The recital should be as precise as the corresponding article 23.

Amendment 7
Recital 18 a (new)

(18a) There already exist national, European and international organisations and bodies supplying information of this kind, and the Centre should be able to carry out its tasks in close cooperation with them;

Justification

This recital appears in the existing Regulation. As it has a corresponding article (16), it should be maintained in the new text as well.

Amendment 8
Article 2, point (b), point (i)

(i) ensuring improved comparability, objectivity and reliability of data at European level by establishing indicators and common criteria of a non-binding nature, compliance with which may be recommended by the Centre, with a view to greater uniformity of the measurement methods used by the Member States and the Community; in particular, the Centre shall devise tools and methods for evaluating drugs policies and strategies implemented in the European Union;	(i) ensuring improved comparability, objectivity and reliability of data at European level by establishing indicators and common criteria of a non-binding nature, compliance with which may be recommended by the Centre, with a view to greater uniformity of the measurement methods used by the Member States and the Community; in particular, the Centre shall devise tools and methods for evaluating drugs policies and strategies implemented in the European Union ***in order to advise Member States on best practice***;

Justification

The purpose of collecting and evaluating information should be mentioned.

Amendment 9
Article 2, point (b a) (new)

(ba) Systematic evaluation of drug policies and trends of consumption in order to facilitate policy-making and the dissemination of best practice,

(i) evaluation of national drug policies and strategies, including legislation, on the basis of collected data and established indicators,

(ii) evaluation of trends of consumption and supply.

Justification

The Centre should not only collect data but also evaluate it. This would facilitate policy-making both at the EU and the national level.

Amendment 10
Article 2, point (c), point (iii)

(iii) ensuring wide dissemination of reliable non-confidential data; on the basis of data which it gathers the Centre shall publish a yearly report on the state of the drugs problem.	(iii) ensuring wide dissemination of reliable non-confidential data; on the basis of data which it gathers the Centre shall publish a yearly report on the state of the drugs problem***, including an assessment of the trends of consumption***.

Justification

It is important that the Centre also provides an analysis of data and draws conclusions on the trends of drugs consumption.

Amendment 11
Article 2, point d) iii) a (new)

	iiia) contributing to the cooperation with third countries as foreseen in the agreements concluded between them and the Community on the basis of article 300 of the Treaty.

Justification

AM 25 of the rapporteur on Article 17, point 2 (new) intends to give a new task to the Centre. This should also be mentioned in Article 2.

Amendment 12
Article 5, paragraph 5

5. Without prejudice to the responsibilities of the national focal points, the Centre may have recourse to additional expertise and sources of information, especially transnational networks working in the field of drugs and drug addiction.	5. Without prejudice to the responsibilities of the national focal points ***and in close collaboration with them***, the Centre may have recourse to additional expertise and sources of information, especially transnational networks working in the field of drugs and drug addiction.

Justification

National focal points are an essential element of the functioning of the monitoring system. They should always be informed if the Centre has recourse to outside expertise.

Amendment 13
Article 6, point 1

Protection and confidentiality of data	Protection and confidentiality of data
	1. Regulation (EC) No 45/2001 shall apply to the processing of personal data by the Agency.
1. Where on the basis of this Regulation personal data which do not enable natural persons to be identified are also forwarded to the Centre in accordance with national law, such data may be used only for the stated purpose and under the conditions prescribed by the forwarding authority. This	***2.*** Where on the basis of this Regulation personal data which do not enable natural persons to be identified are also forwarded to the Centre in accordance with national law, such data may be used only for the stated purpose and under the conditions prescribed by the forwarding authority. This

shall apply mutatis mutandis where personal data are communicated by the Centre to the competent authorities of the Member States or to international organisations and other European institutions.	shall apply mutatis mutandis where personal data are communicated by the Centre to the competent authorities of the Member States or to international organisations and other European institutions.

Justification

The Commission states in recital 10 that "account should be taken of Regulation (EC) No 45/2001". This is, however, not sufficient since the recitals are statements of reasons that must relate to the enacting terms.

Amendment 14
Article 7, paragraph 2

The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001 ***by 1 April 2004 at the latest***.	The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001 ***within four months of entry into force of this Regulation***.

Justification

As this Regulation will not be in force on 1 April 2004, it is superfluous to set a specific deadline. It would be better to establish a fixed period, which should not be too long, after the entry into force of the regulation, during which the arrangements for implementing Regulation 1049/2001 should be adopted.

Amendment 15
Article 7, point 3 a (new)

	Any natural or legal person shall be entitled to address himself/herself in writing to the Agency in any of the languages referred to in Article 314 of the Treaty. He/she has the right to receive on answer in the same language.

Justification

The rapporteur compared the present proposal of the Commission with the founding regulations of other Community bodies in force or as proposed by the Commission. This exercise led to the identification of several issues that are missing from the present proposal

and which the rapporteur consequently proposes to insert in this regulation as well, in particular since one of the objectives of this proposal is to harmonise the EMCDDA's regulation with other agencies' founding regulations.

Amendment 16
Article 8

Legal status	Legal status ***and location***
The Centre shall have legal personality. It shall enjoy, in each Member State, the most extensive legal status granted to legal persons under their laws; in particular, it may purchase or dispose of movable and immovable property and may institute legal proceedings.	The Centre shall ***be a body of the Community. It shall*** have legal personality. It shall enjoy, in each Member State, the most extensive legal status granted to legal persons under their laws; in particular, it may purchase or dispose of movable and immovable property and may institute legal proceedings. ***The seat of the Centre shall be at Lisbon.***

Justification

See justification for amendment on Article 7, point 3a (new). As regards the mentioning of the seat in the legislative text, it is very important to ensure legal certainty. In the past there have been discussions on moving the Centre to a different location for political reasons.

Amendment 17
Article 9, point 1, paragraph 1

1. The Centre shall have a Management Board consisting of one representative from each Member State, ***one representative from each country which has concluded an agreement pursuant to Article 17 of this Regulation, and*** two representatives from the Commission.	1. The Centre shall have a Management Board consisting of one representative from each Member State, two representatives from the Commission ***and two representatives of the European Parliament***. ***One representative from each country which has concluded an agreement, pursuant to Article 17 of this Regulation, may participate in the meetings of the Management Board as an observer.***

Justification

For the first part of the amendment: See justification for amendment on recital 14. For the second part of the amendment: It should be made clear that that there are two categories of members on the Management board: full members representing Member State, the European

Parliament and the Commission and observers representing countries which have concluded agreements with the Centre. As they do not have a right to vote, they should be called observers. The European Parliament should have a right to nominate two of its own Members to the Board in order to be fully involved in the work of the Centre.

Amendment 18
Article 9, point 1, paragraph 2

Each member of the Management Board may be ***assisted or*** represented by an alternative member. In the absence of a full member who has the right to vote, the alternative member may exercise that right. The Management Board may call in as non-voting observers representatives of international organisations with which the Centre cooperates in accordance with Article 16.	Each member of the Management Board may be represented by an alternative member. In the absence of a full member who has the right to vote, the alternative member may exercise that right. The Management Board may call in as non-voting observers representatives of international organisations with which the Centre cooperates in accordance with Article 16.

Justification

Currently the practice seems to be that full as well as supplement members attend the meetings of the Management Board thereby increasing the number of persons attending the meetings considerably. Such practice shall be avoided. Ideally it would be better to have an even smaller management board to which not every Member State sends a representative as the Commission proposed for example in the case of the European Agency for the Management of Operational Co-operation at the External Borders.

Amendment 19
Article 9, paragraph 2, subparagraph 1

2. The chairman and vice-chairman of the Management Board shall be elected by its members for a three-year period: their terms of office shall be renewable once. The chairman and vice-chairman shall take part in the voting. Each member of the Management Board shall have one vote, except for ***the members*** representing the countries which have concluded agreements pursuant to Article 17 of this Regulation.	2. The chairman and vice-chairman of the Management Board shall be elected by its members for a three-year period: their terms of office shall be renewable once. The chairman and vice-chairman shall take part in the voting. Each member of the Management Board shall have one vote, except for ***the observers*** representing the countries which have concluded agreements pursuant to Article 17 of this Regulation.

Justification

It should be made clear that there are two categories of members on the Management Board.

Those without voting rights should be called observers.

Amendment 20
Article 9, paragraph 3

3. The Management Board shall adopt a three-year work programme on the basis of a draft submitted by the Centre's Director, after consulting the Scientific Committee and seeking the opinions of the Commission and of the Council, and shall forward it to the European Parliament, the Council and the Commission.	3. The Management Board shall adopt a three-year work programme on the basis of a draft submitted by the Centre's Director, after consulting the Scientific Committee and seeking the opinions of the Commission***,*** ***of the European Parliament*** and of the Council, and shall forward it to the European Parliament, the Council and the Commission.

Justification

Parliament should also be consulted before the adoption of a multiannual work programme.

Amendment 21
Article 10

Steering Committee	***deleted***
The Management Board shall be assisted by a Steering Committee. The Steering Committee shall be made up of the chairman, the vice-chairman, one of the Commission representatives and three representatives of the other members of the Management Board. The latter shall be elected by the Management Board for a period of three years.	
The Steering Committee shall meet at least twice a year and whenever necessary to prepare the decisions of the Management Board and to assist and advise the Director. It shall adopt its decisions unanimously.	

Justification

Instead of creating new bodies in order to manage the management board that appears to be too large, it is better to keep the size of the management board at manageable level.

Amendment 22
Article 11, point 1

1. The Centre shall be headed by a Director appointed by the Management Board on a proposal from the Commission ***for a five-year period, which shall be renewable***.	1. The Centre shall be headed by a Director appointed by the Management Board on a proposal from the Commission. ***The term of office shall be five years which shall be renewable once.***
	The Commission shall propose candidates for the post of the Director based on a list after an open competition, following the publication of a call for expression of interest in the Official Journal of the European Union and in one major newspaper in every Member State. The Director shall be appointed on the grounds of merit and documented administrative and management skills, as well as his/her relevant experience in the fields of activity of the Centre.

Justification

See justification for amendment on Article 7, point 3a (new).

Amendment 23
Article 11, last indent

– (h) ***regular*** assessment of the Centre's work.	– (h) ***annual*** assessment of the Centre's work.

Justification

The word 'regular' is too unprecise and should thus be replaced.

Amendment 24
Article 13, paragraph 2, subparagraph 1

2. The Scientific Committee shall consist of at most 18 well-known scientific figures appointed in view of their scientific excellence and independence by the Management Board, ***which*** shall ensure that the specialist fields of the Scientific Committee's members cover all scientific fields linked to the problems of drugs and drug addiction.	2. The Scientific Committee shall consist of at most 18 well-known scientific figures appointed in view of their scientific excellence and independence by the Management Board, ***following the publication of a call for expression of interest in the Official Journal of the European Union and in one major newspaper in every Member State***. ***The selection procedure*** shall ensure that the specialist fields of the Scientific Committee's members cover all scientific fields linked to the problems of drugs and drug addiction.

Justification

The Commission proposal does not state how the Management Board should find the best experts for the Scientific Committee. In order to guarantee the widest possible scientific and geographical coverage as well as transparency, the Centre should publish a call for expression of interest so that all eligible candidates could be taken into consideration.

Amendment 25
Article 17, point 2 (new)

	2. The Centre contributes to the cooperation with third countries as foreseen in the agreements concluded between them and the Community on the basis of article 300 of the Treaty.

Justification

In general terms the rapporteur is in favour of enlarging the mandate of the Centre where this seems to be appropriate. He is of the opinion that the Centre can only operate successfully if it has a meaningful mandate.

Amendment 26
Article 23

An external evaluation of the Centre's work shall be conducted every five years. The Commission shall forward, if appropriate,	An external evaluation of the Centre's work shall be conducted every five years. ***It shall include an evaluation of the Reitox***

to the European Parliament and to the Council proposals to modify the Regulation on the Centre.	***national focal points. The evaluation report shall be be sent to the European Parliament, the Commission and the Council.*** The Commission shall forward, if appropriate, to the European Parliament and to the Council proposals to modify the Regulation on the Centre.

Justification

For the first part of the amendment: The Reitox national focal points are a key element of the Centre's activity and receive a large part of the operating expenditure of the Centre. Their performance should therefore also be subject to assessment. For the second part of the amendment: The results of the evaluation should be made available for all key institutions.

Amendment 27
Article 23 b (new)

	Working languages
	The Agency shall determine its internal working languages.

Justification

For efficiency reasons, the definition of working languages seems to be appropriate. A highly specialised agency cannot work in all official languages, in particular after enlargement. Without a provision on working languages in the legal text, the Centre could encounter legal challenges if it requires the knowledge of certain languages from candidates applying for open positions (see case C 160/03, currently before the European Court of Justice).

Amendment 28
Annex I, paragraph A, subparagraph 2

The EMCDDA shall focus on the following priority areas:	The EMCDDA shall focus on the following priority areas:
(1) monitoring the state of the drugs problem, in particular using epidemiological or other indicators, and monitoring emerging trends;	(1) monitoring the state of the drugs problem, in particular using epidemiological or other indicators, and monitoring emerging trends, ***including poly-use of drugs***;
(2) monitoring the solutions applied to drugrelated problems;	(2) monitoring the solutions applied to drugrelated problems ***and the evaluation of the measures in order to identify best practices***;

(3) assessing the risks of new synthetic drugs and maintaining a rapid information system with regard to their use;	(3) assessing the risks of new synthetic drugs and maintaining a rapid information system with regard to their use;
(4) monitoring national and Community policies and their impact on the drugs phenomenon.	(4) monitoring ***and evaluating*** national and Community policies and their impact on the drugs phenomenon.

Justification

Evaluation of policies should be one of the priority areas of the EMCDDA.

30 March 2004

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND CONSUMER POLICY

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council regulation on the European Monitoring Centre for Drugs and Drug Addiction - (recast)
(COM(2003) 808 – C5-0066/2004 – 2003/0311(CNS))

Draftsman: Minerva Melpomeni Malliori

PROCEDURE

The Committee on the Environment, Public Health and Consumer Policy appointed Minerva Melpomeni Malliori draftsman at its meeting of 20 January 2004.

It considered the draft opinion at its meeting of 16 and 29 March 2004.

At that meeting it adopted the following suggestions by 33 votes to 1, with 0 abstentions.

The following were present for the vote: Caroline F. Jackson (chairman), Guido Sacconi (vice-chairman), Minerva Melpomeni Malliori (draftsman), Hans Blokland, María Luisa Bergaz Conesa, David Robert Bowe, John Bowis, Chris Davies, Säid El Khadraoui, Marialiese Flemming, Karl-Heinz Florenz, Cristina García-Orcoyen Tormo, Robert Goodwill, Françoise Grossetête, Jutta D. Haug (for Dorette Corbey), Marie Anne Isler Béguin, Christa Klaß, Bernd Lange, Paul A.A.J.G. Lannoye (for Hiltrud Breyer), Giorgio Lisi (for María del Pilar Ayuso González), Caroline Lucas (for Alexander de Roo), Jules Maaten, Rosemarie Müller, Ria G.H.C. Oomen-Ruijten, Dagmar Roth-Behrendt, Jacqueline Rousseaux, Karin Scheele, Inger Schörling, Renate Sommer (for Martin Callanan), Catherine Stihler, Nicole Thomas-Mauro, Antonios Trakatellis, Peder Wachtmeister and Phillip Whitehead.

SHORT JUSTIFICATION

The recast of Council Regulation (EEC) No 302/93 aims to respond to changes that have taken place in the regulatory and working environment of the European Monitoring Centre for Drugs and Drug Addiction since its establishment, and to codify the three amendments to the original Regulation already adopted by the Council. Enlargement of the European Union, new trends in drug use and the need to confer evaluation tasks on the Centre are all relevant reasons for the recast.

Some issues require, however, further clarification and specification. According to the Commission proposal, the main tasks of the Centre are the collection, analysis and dissemination of data on drug problems. But the Centre should proceed more towards the evaluation of different drug policies instead of merely supplying data. That would give Member States a better opportunity to exchange best practice. In that respect the proposal is fairly modest. It gives the Centre the task of devising tools for evaluation, but does not say that it should actually carry out policy evaluation. Therefore, some amendments are needed to make this task more explicit.

The institutional provisions, i.e. the composition of the Management Board and the nomination of the Director, deserve careful examination. As regards Member State and Commission representation, the Commission proposal maintains the present system. In addition, membership on the Management Board is opened to all those countries which have concluded agreements with the Community on the basis of Article 300 of the Treaty. The representatives of these countries do not have, however, a right to vote. For clarity, therefore it would be better to talk about observers rather than members of the Management Board.

The European Parliament is left completely without representation on the Management Board 'in order to avoid any conflict of interests during the annual discharge procedure'. Nonetheless, the advantage of having representation on the Management Board outweighs the risk of a conflict of interest during the discharge procedure. In an ideal situation, the representatives on the Management Board would keep Parliament well informed about all aspects of the Centre's work. The present situation, where Parliament nominates two scientists to the Board, has proved to be unsatisfactory, as the relationship between the Parliament and its nominees has remained distant. This is no reason to give up on representation, but rather to improve its use. One way forward could be the nomination of two MEPs to the Management Board, who should regularly report back to the responsible committee on the work of the Centre.

Some institutional provisions should be the same for all Community agencies. The procedure for the appointment of the Director is one example. An amendment is tabled to follow the same procedure recently adopted for the appointment of the Director for the European Medicines Agency and the Centre for Communicable Diseases. An amendment is also tabled to the article on the Scientific Committee. Its purpose is to make the selection procedure more transparent and to guarantee the high quality and relevance of scientific expertise, as well as a balanced geographical representation.

AMENDMENTS

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

Text proposed by the Commission[1]	Amendments by Parliament
Amendment 1 Recital 4	
(4) The drug phenomenon comprises many complex and closely interwoven aspects which cannot easily be dissociated; therefore, the Centre should be entrusted with the task of furnishing overall information which ***will help to provide the Community and its Member States with an overall view of the drug and drug addiction phenomenon. This task*** should not prejudice the allocation of powers between the Community and its Member States with regard to the legislative provisions concerning drug supply and demand.	(4) The drug phenomenon comprises many complex and closely interwoven aspects which cannot easily be dissociated; therefore, the Centre should be entrusted with the task of furnishing overall information which should not prejudice the allocation of powers between the Community and its Member States with regard to the legislative provisions concerning drug supply and demand.
	Or. en
	Justification *The deleted part repeats what is already said in Recital 2.*
Amendment 2 Recital 7a (new)	
	(7a) The Centre should also be entrusted with the task of evaluation of different drug policies in Member States in order to facilitate the dissemination of best practice.
	Or. en
	Justification *Member States should learn from each other's experience on combatting drug abuse. The*

[1] Not yet published in OJ.

Centre could facilitate this by evaluating the impact of different policies.

Amendment 3
Recital 12

(12) Since the European Parliament is the discharge authority and in order to avoid any conflict of interests during the annual discharge procedure, it is preferable that the European Parliament no longer be represented on the EMCDDA's Management Board.	***deleted***

Or. en

Justification

Parliament should continue to have two representatives on the Management board.

Amendment 4
Recital 14

(14) In order to ensure that the European Parliament is well informed of the state of the drugs phenomenon in the European Union, ***it must be able to question the Centre's Director***.	(14) In order to ensure that the European Parliament is regularly and well informed of the state of the drugs phenomenon in the European Union, ***two Members of the European Parliament should represent it in the Management Board***.

Or. en

Justification

The European Parliament should continue to have two representatives on the Management Board because that is the best way to guarantee that Parliament is properly informed about the work of the Centre. But contrary to the present system, where Parliament nominates two scientists to the Management Board, it should nominate two MEPs. Experience has shown that the present system does not work properly. Two MEPs on the board would create a direct link between the Parliament and the Centre.

Amendment 5
Recital 16

(16) An external evaluation of the EMCDDA's work should be conducted ***on a regular basis***, and this Regulation should be adapted accordingly, if needed.	(16) An external evaluation of the EMCDDA's work should be conducted ***every five years***, and this Regulation should be adapted accordingly, if needed.

Or. en

Justification

The recital should be as precise as the corresponding article 23.

Amendment 6
Recital 18a (new)

	(18a) There already exist national, European and international organisations and bodies supplying information of this kind, and the Centre should be able to carry out its tasks in close cooperation with them;

Or. en

Justification

This recital appears in the existing Regulation. As it has a corresponding article (16), it should be maintained in the new text as well.

Amendment 7
Article 2, point (b), point (i)

(i) ensuring improved comparability, objectivity and reliability of data at European level by establishing indicators and common criteria of a non-binding nature, compliance with which may be recommended by the Centre, with a view to greater uniformity of the measurement methods used by the Member States and the Community; in particular, the Centre shall devise tools and methods for evaluating drugs policies and strategies implemented in the European Union;	(i) ensuring improved comparability, objectivity and reliability of data at European level by establishing indicators and common criteria of a non-binding nature, compliance with which may be recommended by the Centre, with a view to greater uniformity of the measurement methods used by the Member States and the Community; in particular, the Centre shall devise tools and methods for evaluating drugs policies and strategies implemented in the European Union ***in order to advise***

Member States on best practice;

Or. en

Justification

The purpose of collecting and evaluating information should be mentioned.

Amendment 8
Article 2, point (b a) (new)

(ba) Systematic evaluation of drug policies and trends of consumption in order to facilitate policy-making and the dissemination of best practice,

(i) evaluation of national drug policies and strategies, including legislation, on the basis of collected data and established indicators,

(ii) evaluation of trends of consumption and supply.

Or. en

Justification

The Centre should not only collect data but also evaluate it. This would facilitate policy-making both at the EU and the national level.

Amendment 9
Article 2, point (c), point (iii)

(iii) ensuring wide dissemination of reliable non-confidential data; on the basis of data which it gathers the Centre shall publish a yearly report on the state of the drugs problem.	(iii) ensuring wide dissemination of reliable non-confidential data; on the basis of data which it gathers the Centre shall publish a yearly report on the state of the drugs problem***, including an assessment of the trends of consumption***.

Or. en

Justification

It is important that the Centre also provides an analysis of data and draws conclusions on the trends of drugs consumption.

Amendment 10
Article 5, paragraph 5

5. Without prejudice to the responsibilities of the national focal points, the Centre may have recourse to additional expertise and sources of information, especially transnational networks working in the field of drugs and drug addiction.	5. Without prejudice to the responsibilities of the national focal points ***and in close collaboration with them***, the Centre may have recourse to additional expertise and sources of information, especially transnational networks working in the field of drugs and drug addiction.

Or. en

Justification

National focal points are an essential element of the functioning of the monitoring system. They should always be informed if the Centre has recourse to outside expertise.

Amendment 11
Article 7, paragraph 2

The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001 ***by 1 April 2004 at the latest***.	The Management Board shall adopt the arrangements for implementing Regulation (EC) No 1049/2001 ***within four months of entry into force of this Regulation***.

Or. en

Justification

As this Regulation will not be in force on 1 April 2004, it is superfluous to set a specific deadline. It would be better to establish a fixed period, which should not be too long, after the entry into force of the regulation, during which the arrangements for implementing Regulation 1049/2001 should be adopted.

Amendment 12
Article 9, paragraph 1, subparagraph 1

1. The Centre shall have a Management Board consisting of one representative from each Member State, ***one representative from each country which has concluded an agreement pursuant to Article 17 of this Regulation,*** and two representatives from the Commission.	1. The Centre shall have a Management Board consisting of one representative from each Member State, ***two representatives from the European Parliament*** and two representatives from the Commission. ***One representative from each country which has concluded an agreement, pursuant to Article 17 of this Regulation, may participate in the meetings of the Management Board as an observer.***

Or. en

Justification

It should be made clear that that there are two categories of members on the Management board: full members representing Member State, the European Parliament and the Commission and observers representing countries which have concluded agreements with the Centre. As they do not have a right to vote, they should be called observers. The European Parliament should have a right to nominate two of its own Members to the Board in order to be fully involved in the work of the Centre.

Amendment 13
Article 9, paragraph 2, subparagraph 1

2. The chairman and vice-chairman of the Management Board shall be elected by its members for a three-year period: their terms of office shall be renewable once. The chairman and vice-chairman shall take part in the voting. Each member of the Management Board shall have one vote, except for ***the members*** representing the countries which have concluded agreements pursuant to Article 17 of this Regulation.	2. The chairman and vice-chairman of the Management Board shall be elected by its members for a three-year period: their terms of office shall be renewable once. The chairman and vice-chairman shall take part in the voting. Each member of the Management Board shall have one vote, except for ***the observers*** representing the countries which have concluded agreements pursuant to Article 17 of this Regulation.

Or. en

Justification

It should be made clear that there are two categories of members on the Management Board. Those without voting rights should be called observers.

Amendment 14
Article 9, paragraph 3

3. The Management Board shall adopt a three-year work programme on the basis of a draft submitted by the Centre's Director, after consulting the Scientific Committee and seeking the opinions of the Commission and of the Council, and shall forward it to the European Parliament, the Council and the Commission .	3. The Management Board shall adopt a three-year work programme on the basis of a draft submitted by the Centre's Director, after consulting the Scientific Committee and seeking the opinions of the Commission***, of the European Parliament*** and of the Council, and shall forward it to the European Parliament, the Council and the Commission .

Or. en

Justification

Parliament should also be consulted before the adoption of a multiannual work programme.

Amendment 15
Article 10

The Management Board shall be assisted by a Steering Committee. The Steering Committee shall be made up of the chairman, the vice-chairman, one of the Commission representatives and three representatives of the other members of the Management Board. The latter shall be elected by the Management Board for a period of three years.	The Management Board shall be assisted by a Steering Committee. The Steering Committee shall be made up of the chairman, the vice-chairman, one of the Commission representatives***, one of the European Parliament representatives*** and three representatives of the other members of the Management Board. The latter shall be elected by the Management Board for a period of three years.

Or. en

Justification

The European Parliament should also be represented in the Steering Committee, which has an important preparatory function. This solution would guarantee that the Parliament is properly informed about the work of the Centre.

Amendment 16
Article 11, subparagraph 1

1. The Centre shall be headed by a Director appointed by the Management Board on ***a proposal from the Commission*** for a five-year period, which shall be renewable.	1. The Centre shall be headed by a Director appointed by the Management Board on ***the basis of a list of candidates proposed by the Commission after an open competition, following the publication of a call for expression of interest in the Official Journal of the European Union and in one major newspaper in every Member State,*** for a five-year period, which shall be renewable.

Or. en

Justification

This formulation has been used recently in several Regulations (the EMEA, the Centre for Disease Prevention and Control) establishing Community agencies. The application and selection procedure should be as transparent as possible to attract the attention of all potential candidates.

Amendment 17
Article 11, last indent

– (h) ***regular*** assessment of the Centre's work.	– (h) ***annual*** assessment of the Centre's work.

Or. en

Justification

The word 'regular' is too unprecise and should thus be replaced.

Amendment 18
Article 13, paragraph 2, subparagraph 1

2. The Scientific Committee shall consist of at most 18 well-known scientific figures appointed in view of their scientific excellence and independence by the Management Board, ***which*** shall ensure that the specialist fields of the Scientific	2. The Scientific Committee shall consist of at most 18 well-known scientific figures appointed in view of their scientific excellence and independence by the Management Board, ***following the publication of a call for expression of***

Committee's members cover all scientific fields linked to the problems of drugs and drug addiction.	***interest in the Official Journal of the European Union and in one major newspaper in every Member State***. ***The selection procedure*** shall ensure that the specialist fields of the Scientific Committee's members cover all scientific fields linked to the problems of drugs and drug addiction.

Or. en

Justification

The Commission proposal does not state how the Management Board should find the best experts for the Scientific Committee. In order to guarantee the widest possible scientific and geographical coverage as well as transparency, the Centre should publish a call for expression of interest so that all eligible candidates could be taken into consideration.

Amendment 19
Article 23

An external evaluation of the Centre's work shall be conducted every five years. The Commission shall forward, if appropriate, to the European Parliament and to the Council proposals to modify the Regulation on the Centre.	An external evaluation of the Centre's work shall be conducted every five years. ***The evaluation report shall be be sent to the European Parliament, the Commission and the Council.*** The Commission shall forward, if appropriate, to the European Parliament and to the Council proposals to modify the Regulation on the Centre.

Or. en

Justification

The results of the evaluation should be made available for all key institutions.

Amendment 20
Annex I, paragraph A, subparagraph 2

The EMCDDA shall focus on the following priority areas:	The EMCDDA shall focus on the following priority areas:
(1) monitoring the state of the drugs problem, in particular using epidemiological or other	(1) monitoring the state of the drugs problem, in particular using epidemiological or other

indicators, and monitoring emerging trends;	indicators, and monitoring emerging trends, ***including poly-use of drugs***;
(2) monitoring the solutions applied to drugrelated problems;	(2) monitoring the solutions applied to drugrelated problems ***and the evaluation of the measures in order to identify best practices***;
(3) assessing the risks of new synthetic drugs and maintaining a rapid information system with regard to their use;	(3) assessing the risks of new synthetic drugs and maintaining a rapid information system with regard to their use;
(4) monitoring national and Community policies and their impact on the drugs phenomenon.	(4) monitoring ***and evaluating*** national and Community policies and their impact on the drugs phenomenon.

Or. en

Justification

Evaluation of policies should be one of the priority areas of the EMCDDA.