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Committee on the Environment, Public Health and Food Safety

2005/0166(COD)

23.2.2006

OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council on the European Monitoring Centre for Drugs and Drug Addiction
(COM(2005)0399 – C6-0256/2005 – 2005/0166(COD))

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PA_Leg

SHORT JUSTIFICATION

The European Monitoring Centre for Drugs and Drug Addiction was set up by means of Council Regulation (EEC) No 302/93 of 8 February 1993 establishing a European Monitoring Centre for Drugs and Drug Addiction for the purpose of providing the Community and its Member States with objective, reliable and comparable information concerning drugs and drug addiction. In 2003 the Commission submitted a new draft version of that Regulation (COM(2003) 808). Article 308 was selected as the legal basis (as it had been in the case of the original Regulation). The European Parliament was consulted in respect of the draft, although after several months of discussion within the relevant Council working party it was decided that the legal basis would be changed to Article 152, which provides for the codecision procedure. Hence the Commission decided to submit this new revised proposal (COM(2005)399) so that Parliament could be properly consulted on the matter.

The purpose of the proposal is to 'beef up' the Centre, in particular in order to enable new trends in drug use to be taken into consideration (including the combination of legally permitted and legally banned psychoactive substances) and in order to enable the Centre to adapt to new circumstances following the enlargement of the EU. The proposal should also eliminate the number of ambiguities which were detected after the original Council regulation came into force.

However, in order to ensure that the Centre genuinely operates effectively, some of the provisions contained in the proposal need to be amended in some way. The Centre should not be concerned solely with gathering, analysing and processing data relating to drug issues; rather, it should also be concerned with the systematic evaluation of drug policies (at both EU and Member-State level) and of trends in drug consumption. That would make it easier for the Member States to learn from one another and to exchange experiences in their efforts to combat drug addiction.

A further requirement is that there should be more intensive cooperation between the Centre and non-EU countries, at least in terms of the systematic gathering and analysis of data relating to drug issues, not least in view of the fact that most drugs enter the European Union from non-EU (frequently neighbouring) countries.

The Centre must also devise common criteria and standard data-collection methods to be used by all the parties involved, since that is the only way of ensuring that data relating to drug issues are objective, reliable and above all comparable. Furthermore, the exchange of information between the Centre and Europol concerning drugs and crimes committed in connection with drug use would be beneficial to both parties.

The European Parliament should be more involved in the Centre's activities and should be properly informed regarding its work. Hence when the Centre's three-year work programme is being drawn up, not only the Commission's opinion should be taken into consideration - the European Parliament should be asked for its opinion, too. Parliament should also have one representative on the Executive Committee (an independent expert designated by Parliament).

In order to ensure that the Commission does not have excessive influence over the Centre's

work, a mere ¾ majority should be sufficient for the Management Board to adopt important decisions (concerning, for example, the Centre's annual and three-year programme) in cases where the Commission expresses its disagreement.

The Director of the Centre should be nominated in the same way as the directors of other Community bodies. Hence he or she should be nominated by the Executive Committee from a list of candidates proposed by the Commission after a public competition and an invitation to take part therein have been announced in the Official Journal and in one major daily newspaper in each Member State. This method of nominating a director is also more transparent and a public competition would attract a greater number of potential candidates.

The Centre should expand its remit to include the monitoring of psychomodulation substances. If they are abused they cause serious, long-lasting and frequently irreversible damage to health. In the future the Centre should also cover the problems of alcohol and tobacco abuse, since there are close parallels between the problems associated with drug abuse and those associated with alcohol and tobacco abuse. In the case of alcohol and tobacco consumers there is a significantly increased relative risk of drug addiction and people frequently switch from alcohol and tobacco to drugs, or vice versa.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Civil Liberties, 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 7a (new)	
	(7a) Account should also be taken of illicit and inappropriate use of psychomodulation substances, which can have serious consequences on physical and mental health.
Amendment 2 Recital 7 b (new)	

[1] OJ C ... /Not yet published in OJ.

(7b) The Centre should also be entrusted with the task of providing information and evaluating different drug policies in Member States in order to facilitate the dissemination and exchange of best practice.

Justification

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

Amendment 3
Recital 9

(9) It is desirable for the Commission to be able to entrust the EMCDDA directly with the implementation of Community structural assistance projects relating to drug information systems in non-Community countries such as the candidate countries or the countries of the western Balkans which have been authorised by the European Council to participate in Community programmes and agencies.	(9) It is desirable for the Commission to be able to entrust the EMCDDA directly with the implementation of Community structural assistance projects relating to drug information systems in non-Community ***European*** countries such as the candidate countries or the countries of the western Balkans which have been authorised by the European Council to participate in Community programmes and agencies.

Justification

Structural assistance projects should continue to be confined to the candidate countries and the countries of the western Balkans.

Amendment 4
Recital 11

(11) There already exist national, European and international organizations and bodies supplying information of this kind, and the Centre ***should*** be able to carry out its tasks in close cooperation with them.	(11) There already exist national, European and international organizations and bodies supplying information of this kind, and the Centre ***must*** be able to carry out its tasks in close cooperation with them.

Amendment 5
Recital 16

(16) 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.	(16) In order to ensure that the European Parliament is well informed of the state of the drugs phenomenon in the European Union, it must ***have the right*** to question the Centre's Director.

Amendment 6
Recital 18

(18) An external evaluation of the EMCDDA's work should be conducted ***on a regular basis***, and this Regulation should be adapted accordingly, if needed.	(18) An external evaluation of the EMCDDA's work should be conducted ***every three years***, and this Regulation should be adapted accordingly, if needed.

Justification

The work of the EMCDDA will be based on three-year work programmes (see Article 9, paragraph 4). It would be logical to carry out an external evaluation during the last year of each period in order to have input for the preparations for the new programme.

Amendment 7
Article 1, paragraph 2

2. The Centre's objective is to provide, in the areas referred to in Article 3, the Community and its Member States with objective, reliable and comparable information at European level concerning drugs and drug addiction and their consequences.	2. The Centre's objective is to provide, in the areas referred to in Article 3, the Community and its Member States with ***factual,*** objective, reliable and comparable information at European level concerning drugs and drug addiction and their consequences.

Justification

The information supplied by the centre must be factual and to the point, so as to ensure that the centre provides only relevant assistance to governments, institutions and organisations.

Amendment 8
Article 1, paragraph 3

3. The statistical, documentary and technical information processed or produced is intended to help provide the Community and the Member States with an overall view of the drug and drug addiction situation when, in their respective areas of competence, they	3. The statistical, documentary and technical information processed or produced is intended to help provide the Community and the Member States with an overall view of the drug and drug addiction situation when, in their respective areas of competence, they

take measures or decide on action. The statistical element of this information shall be developed, in collaboration with the relevant statistical authorities, using as necessary the Community Statistical Programme to promote synergy and avoid duplication.	take measures or decide on action. The statistical element of this information shall be developed, in collaboration with the relevant statistical authorities, using as necessary the Community Statistical Programme to promote synergy and avoid duplication. ***Account must be taken of further WHO and UN data available worldwide.***

Justification

To avoid duplication.

Amendment 9
Article 1, paragraph 5

5. The Centre shall not collect any data making it possible to identify individuals or small groups of individuals. It shall refrain from any transmission of information relating to specific named cases.	5. The Centre shall not collect any data making it possible to identify individuals or small groups of individuals. It shall refrain from any transmission of information relating to specific named cases ***unless criminal offences have been committed***.

Justification

It would be unacceptable for information of crucial importance for investigating a criminal offence to be available, but withheld.

Amendment 10
Article 2, point (a) (i)

(i) collecting, registering and analysing information, including data resulting from research, communicated by Member States as well as that emanating from Community, non-governmental national sources and competent international organizations; this collection, registration and analysis work shall also cover data on emerging trends in poly-drug use, including the combined use of licit and illicit psychoactive substances;	(i) collecting, registering and analysing information, including data resulting from research, communicated by Member States ***and non-Community European countries*** as well as that emanating from Community, non-governmental national sources and competent international organizations; this collection, registration and analysis work shall also cover data on emerging trends in poly-drug use, including the combined use of licit and illicit psychoactive substances***, and on the illicit use of psychomodulation substances, providing information on and facilitating the exchange of "best practice"***

in the Member States;

Justification

Many drugs entering the European Union originate from neighbouring countries. The Centre should systematically collect and analyse data at least from those non-Community European countries, which take part in its work. Moreover, given the serious health consequences of the illicit and inappropriate use of psychomodulation substances, it is important that their use is also monitored by the Centre. The Centre should provide information and facilitate the exchange of "best practice" in the Member States.

Amendment 11
Article 2, point (b) (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 develop tools and instruments to *facilitate* Member States in the monitoring and evaluation of their national policies and the *European* Commission in monitoring and evaluation of Union policies;	(i) ensuring improved comparability, objectivity and reliability of data at European level by establishing indicators and common criteria, 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 develop tools and instruments to *assist* Member States in the monitoring and evaluation of their national policies and the Commission in *the* monitoring and evaluation of Union policies; ***on the basis of collected data, the Centre shall also advise Member States on best practice.***

Justification

Establishing common criteria and statistical methods for data collection are vitally important for the credibility of the work of the Centre. The Centre should advise Member States on best practice on the basis of the collected information.

Amendment 12
Article 2, point (b a) (new)

	(ba) Systematic evaluation of drug policies and consumption trends 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 consumption and supply trends.

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 13
Article 2, point (d) (ii a) (new)

(iia) cooperating actively with Europol to attain maximum efficiency in monitoring the drugs problem;

Justification

Sharing information on drug use and drug-related crime would be beneficial for both EMCDDA and Europol.

Amendment 14
Article 2, point (d a) (new)

(da) Information obligations

The Centre shall be obliged, if it recognises new developments and changing trends, to inform the competent authorities of the Member States.

Justification

It must be clear that the Centre must operate proactively and flag up dangers on its own initiative.

Amendment 15
Article 9, paragraph 1, subparagraph 4

Each member of the management board may be ***assisted or*** represented by an ***alternative member***. In the absence of the full member, who has the right to vote, the ***alternative***	Each member of the management board may be represented by an ***alternate***. In the absence of the full member, who has the right to vote, the ***alternate*** may exercise that

member may exercise that right.	right.

Justification

Clarification of the role of an alternate, as well as the wording.

Amendment 16
Article 9, paragraph 4

4. 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 shall forward it to the European Parliament, the Council and the Commission.	4. 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 the European Parliament,*** and shall forward it to the European Parliament, the Council and the Commission.

Justification

The European Parliament should be consulted before the adoption of the work programme.

Amendment 17
Article 9, paragraph 6

6. *In the case where* the Commission expresses its disagreement with the three-year or annual work programme, these programmes shall be adopted by the Management Board by a ***4/5*** majority.	6. *Where* the Commission expresses its disagreement with the three-year or annual work programme, these programmes shall be adopted by the Management Board by a ***3/4*** majority.

Justification

The proposed threshold would give the Commission an unnecessarily strong say on the Centre's work.

Amendment 18
Article 10, paragraph 1

1. The Management Board shall be assisted by an Executive Committee. The Executive Committee shall be made up of the	1. The Management Board shall be assisted by an Executive Committee. The Executive Committee shall be made up of the

Chairperson and the Vice-Chairperson of the Management Board and ***two*** Commission ***representatives***. The Director shall take part in its meetings, without voting rights.	Chairperson and the Vice-Chairperson of the Management Board, ***one of the independent experts designated by the European Parliament*** and ***one*** Commission ***representative***. The Director shall take part in its meetings, without voting rights.

Justification

One of the independent experts designated by the European Parliament should be member in the Executive Committee, which has an important preparatory function. This solution would guarantee that the Parliament is properly informed about the work of the Centre. Moreover, it would be sufficient to have one Commission representative in this committee

Amendment 19
Article 11, paragraph 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 on a proposal from the Commission and after evaluation, may be extended once for a period of not more than five years.	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 on a proposal from the Commission and after evaluation ***by the management board***, may be extended once for a period of not more than five years.
In the evaluation ***the Commission*** shall assess in particular:	In the evaluation ***the management board*** shall assess in particular:
- The results achieved in the first term of office and the way in which they were achieved;	- The results achieved in the first term of office and the way in which they were achieved;
- The Centre's duties and requirements in the coming years.	- The Centre's duties and requirements in the coming years.
	The evaluation shall be submitted without delay to the Commission and to the European Parliament.

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. The Management Board, as the appointing authority should carry out the evaluation of the work of the Director. The decision to extend the term of office of the Director should be taken only after that, if appropriate. As the evaluation concerns a holder of public office and a Community agency, it is important that it is made available to the Commission and the European Parliament

Amendment 20
Article 11, paragraph 2

2. *Up on* appointment to a first term, out of maximum two terms, the candidate nominated by the Management Board for the post of Director ***may*** be invited without delay to make a statement before the European Parliament and answer questions put by members of that institution.	2. *Upon* appointment to a first term, out of maximum two terms, the candidate nominated by the Management Board for the post of Director ***shall*** be invited without delay to make a statement before the European Parliament and answer questions put by members of that institution.

Justification

The appearance of the Director nominee before the Parliament before the final appointment should be made obligatory, as in the case of other decentralised agencies.

Amendment 21
Article 20, paragraph 2

Such cooperation should be based on working arrangements concluded with the aforementioned authorities and organisations. These arrangements shall be adopted by the Management Board on the basis of a draft submitted by the director and after the Commission has delivered an opinion. Where the Commission expresses its disagreement with these arrangements, the Management Board shall adopt them by a ***4/5*** majority.	Such cooperation should be based on working arrangements concluded with the aforementioned authorities and organisations. These arrangements shall be adopted by the Management Board on the basis of a draft submitted by the director and after the Commission has delivered an opinion. Where the Commission expresses its disagreement with these arrangements, the Management Board shall adopt them by a ***3/4*** majority.

Justification

The threshold for taking a decision if the Commission disagrees is unnecessarily high.

Amendment 22
Article 23, paragraph 1

The Commission shall initiate an external	The Commission shall initiate an external

evaluation of the Centre every ***six*** years to coincide with the completion of ***two*** three-year work ***programmes*** of the Centre. This evaluation should also include the Reitox system. The Commission shall forward the evaluation report to the European Parliament, the Council and the Management Board.	evaluation of the Centre every ***three*** years to coincide with the completion of ***each*** three-year work ***programme*** of the Centre. This evaluation should also include the Reitox system. The Commission shall forward the evaluation report to the European Parliament, the Council and the Management Board.

Justification

An evaluation cycle of six years is too long, as the operative environment of the Agency is rapidly evolving. It would be more appropriate to evaluate the work of the Centre more often, preferably during the last year of each work programme.

Amendment 23
Annex I, part A, paragraph 2, points 1 and 2

(1) monitoring the state of the drugs problem, in particular using epidemiological or other indicators, and monitoring emerging trends, in particular those involving poly-drug use;	(1) monitoring the state of the drugs problem, ***including the use of psychomodulation substances, and*** in particular using epidemiological or other indicators, and monitoring emerging trends, in particular those involving poly-drug use;
(2) monitoring the solutions applied to drug-related problems;	(2) monitoring the solutions applied to drug-related problems, ***providing information on and evaluating the measures in order to identify best practice and facilitate its exchange in the Member States***;

Justification

The monitoring of the abuse of psychomodulation substances should belong to the tasks of the Centre. Also the evaluation of current drug policies should be one of the priority areas of the EMCDDA. It's not the task of the centre to evaluate the policies of the different member States. The Centre should nevertheless provide information and facilitate the exchange of "best practise" in the Member States.

PROCEDURE

Title	on the proposal for a regulation of the European Parliament and of the Council on the European Monitoring Centre for Drugs and Drug Addiction
References	(COM(2005)0399 – C6-0256/2005 – 2005/0166(COD)
Committee responsible	LIBE Frederika Brepoels (EPP)
Opinion by Date announced in plenary	ENVI 15.09.2005
Draftsman Date appointed	Jiří Maštálka 22.09.2005
Previous draftsman	
Discussed in committee	24.01.2006 22.02.2006
Date adopted	22.02.2006
Result of final vote	+: 47 –: 1 0: 2
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Liam Aylward, Johannes Blokland, John Bowis, Frederika Brepoels, Hiltrud Breyer, Dorette Corbey, Avril Doyle, Jillian Evans, Anne Ferreira, Karl-Heinz Florenz, Milan Gaľa, Matthias Groote, Françoise Grossetête, Satu Hassi, Gyula Hegyi, Mary Honeyball, Marie Anne Isler Béguin, Caroline Jackson, Christa Klaß, Eija-Riitta Korhola, Holger Krahmer, Urszula Krupa, Aldis Kušķis, Marie-Noëlle Lienemann, Marios Matsakis, Roberto Musacchio, Miroslav Ouzký, Vittorio Prodi, Frédérique Ries, Karin Scheele, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Jonas Sjöstedt, María Sornosa Martínez, Antonios Trakatellis, Evangelia Tzampazi, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman
Substitute(s) present for the final vote	María del Pilar Ayuso González, Christofer Fjellner, Jutta D. Haug, Erna Hennicot-Schoepges, Jiří Maštálka, Miroslav Mikolášik, Renate Sommer
Substitute(s) under Rule 178(2) present for the final vote	Miguel Angel Martínez Martínez
Comments (available in one language only)	