

**P5\_TA(2002)0481**

**Amendments to the constituent acts of the European Foundation for the Improvement of Living and Working Conditions following the adoption of the new Financial Regulation \***

**Proposal for a Council regulation amending Regulation (EEC) 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))**

The proposal was amended as follows:<sup>1</sup>

Text proposed by the Commission

Amendments by Parliament

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Amendment 41  
RECITAL 5 a (new)

*(5a) The constituent act relating to the Foundation mentioned in this Regulation should provide scope for the Member State in which the Foundation has its seat to make a direct or indirect financial contribution.*

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

*Article 13a*

*Each year, the Foundation 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.*

Amendment 44

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<sup>1</sup> The vote on the draft legislative resolution was postponed pursuant to Rule 69. (A5-0336/2002)

ARTICLE 1, POINT 2

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

***1a. The revenue shall include any financial contribution from the Member State in which the Foundation has its seat.***

Amendment 42

ARTICLE 1, POINT 2

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

***1b. 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 Foundation.***

Amendment 45

ARTICLE 1, POINT 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 Commission and 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.***

Amendment 46

ARTICLE 1, POINT 2

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

***3a. The final budget shall be adopted by the management board following the final adoption of the EU general budget establishing the amount of the subsidy and the establishment plan.***

Amendment 48  
ARTICLE 1, POINT 2  
Article 16, paragraph 2 a (new) (Regulation (EEC) No 1365/75)

***2a. The Executive Director may delegate his powers of budget implementation to staff of the Foundation covered by the Staff Regulations, in accordance with the conditions laid down by the financial regulation of the Foundation or by the financial rules, adopted by the management board, within the meaning of Article 185 of the Financial Regulation. Those so empowered may act only within the limits of the powers expressly conferred upon them.***

Amendment 49  
ARTICLE 1, POINT 2  
Article 16, paragraph 10 a (new) (Regulation (EEC) No 1365/75)

***10a. The Executive 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 Financial Regulation, any information required for the smooth application of the discharge procedure for the financial year in question.***

Amendment 47  
ARTICLE 1, POINT 2  
Article 16 a (new) (Regulation (EEC) No 1365/75)

***Article 16a***

***In the event of revision of the framework Financial Regulation, the Commission shall consult the European Parliament, the Council and the Court of Auditors.***

Amendment 50

ARTICLE 1, POINT 2 a (new)  
Article 17, subparagraph 1 a (new) (Regulation (EEC) No 1365/75)

*(2a) In Article 17, the following subparagraph 1a is added:*

*"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."*