



TEXTS ADOPTED

P8_TA(2018)0427

Relocation of the European Medicines Agency *I**

European Parliament legislative resolution of 25 October 2018 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 726/2004 as regards the location of the seat of the European Medicines Agency (COM(2017)0735 – C8-0421/2017 – 2017/0328(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0735),
 - having regard to Article 294(2) and Articles 114 and 168(4)(c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0421/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 17 October 2018 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Constitutional Affairs (A8-0063/2018),
1. Adopts its position at first reading hereinafter set out¹;
 2. Denounces the Joint Statement of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies of 19 July 2012 and the Common Approach annexed to it and calls for close involvement of the European

¹ This position replaces the amendments adopted on 15 March 2018 (Texts adopted, P8_TA(2018)0086).

Parliament in the decision-making process on the location and relocation of agencies and bodies in view of its prerogatives as co-legislator under the ordinary legislative procedure;

3. Approves its statement annexed to this resolution;
4. Takes note of the statement by the Council annexed to this resolution;
5. Regrets that the European Parliament - and ultimately the representatives of the Union's citizens - were not fully involved in the procedure to select the new seat of the European Medicines Agency (EMA), which was eventually concluded by drawing lots, despite it being such an important decision; decisions in relation to the location of bodies and agencies need, and legally must, be taken under the ordinary legislative procedure, fully respecting the European Parliament's prerogatives, whereby the European Parliament and the Council are equal co-legislators;
6. Regrets the decision of the Council which leads to a deepening of the geographical disproportionality with only 9 out of 37 EU decentralised agencies being located in new Member States contrary to the European Council Conclusions 5381/04 and 11018/1/08 which both give priority to new Member States.
7. Calls on the budgetary authorities and the Commission to ensure that the costs relating to the change in the seat of EMA will be fully covered by the current host country; points out that some of the costs of the relocation from the current location will have to be pre-financed by the Union budget, prior to the financial settlement with the current host country;
8. Calls on the budgetary authorities and the Commission to ensure that the additional costs relating to the double transfer of the seat of EMA, first to a temporary location, and then to the Vivaldi Building, will be fully covered by the Dutch government and thus will not adversely affect the general budget of the Union;
9. Calls on the budgetary authorities and the Commission to ensure that the double transfer will not jeopardise the normal operational needs of EMA, and will guarantee business continuity and EMA's smooth functioning, without disruption, beyond March 2019;
10. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
11. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2017)0328

Position of the European Parliament adopted at first reading on 25 October 2018 with a view to the adoption of Regulation (EU) 2018/... of the European Parliament and of the Council amending Regulation (EC) No 726/2004 as regards the location of the seat of the European Medicines Agency

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1718.)

ANNEXES TO THE LEGISLATIVE RESOLUTION

Statement of the European Parliament

The European Parliament regrets that its role of co-legislator has not been duly taken into account since it was not involved in the procedure leading to the selection of the new seat of the European Medicines Agency.

The European Parliament wishes to recall its prerogatives as co-legislator and insists on the full respect of the ordinary legislative procedure in relation to the location of bodies and agencies.

As the only directly elected Union institution and representative of the Union's citizens, it is the first guarantor of the respect of the democratic principle in the Union.

The European Parliament condemns the procedure followed for the selection of the new location of the seat, which has de facto deprived the European Parliament of its prerogatives since it was not effectively involved in the process, but is now expected to simply confirm the selection made for the new location of the seat by means of the ordinary legislative procedure.

The European Parliament recalls that the Common Approach annexed¹ to the Joint Statement of the European Parliament, Council and European Commission on decentralised agencies signed in 2012 is legally non-binding, as acknowledged in the Statement itself and that it was agreed without prejudice to the legislative powers of the institutions.

Therefore, the European Parliament insists that the procedure followed for the selection of a new location for the agencies will be revised and not used anymore in this form in the future.

Finally, the European Parliament wishes to recall as well that in the Inter-institutional Agreement on Better Law-Making of 13 April 2016¹ the three institutions committed to sincere and transparent cooperation while recalling the equality of both co-legislators as enshrined in the Treaties.

¹ OJ L 123, 12.5.2016, p. 1.

Council statement EBA/EMA

Recalling the commitment of the European Parliament, the Council and the Commission to sincere and transparent cooperation, and in the light of the process followed for the relocation of the EMA and EBA, which was specific to the situation and did not constitute a precedent for location of agencies in the future,

While recalling the Treaties, the Council acknowledges the value of enhanced exchange of information from the initial stages of future processes for the location of agencies.

Such early exchange of information would make it easier for the three Institutions to exercise their rights according to the Treaties through the related procedures.

The Council takes note of the request by the EP to revise, as soon as possible, the 2012 Joint Statement and Common Approach on decentralised Agencies. As a first step, it invites the Commission to provide, by April 2019, an in-depth analysis of the implementation of the Joint Statement and Common Approach as regards the location of decentralised Agencies. This analysis would serve as a basis to assess the way forward in engaging with the process of such a revision.