

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.03.2006
COM(2006) 115 final

2006/0037(CNS)

Proposal for a

COUNCIL DECISION

on the conclusion of the agreement between the European Community and Norway on the revision of the amount of the financial contribution from Norway provided for in the agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Introduction

The Commission proposes a Council Decision for the conclusion, on behalf of the European Community, of the agreement on the revision of the amount of the financial contribution from Norway provided for in the agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), on the basis of the mandate given to it by the Council.

The Commission concluded the negotiations with Norway with the initialling of the draft agreement in November 2005.

2. Council decision authorising the Commission to conduct negotiations with Norway with a view to reviewing the amount of the financial contribution from Norway provided for in the agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)

On the basis of the Commission proposal SEC(2005) 517 of 20 April 2005, the Council decided on 18 July 2005 to authorise the Commission to conduct negotiations on the revision of the amount of the financial contribution from Norway provided for in the agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the EMCDDA.

The negotiation directives state that the calculation formula should allow Norway's contribution to be adjusted automatically at each enlargement of the Union. A minimum financial participation clause should be included, setting a minimum amount that must be adhered to irrespective of the number of Member States of the Union.

3. draft agreement

The Commission has, on the basis of the mandate granted by the Council, negotiated with Norway.

The Commission has agreed with Norway a draft agreement that adapts Norway's financial contribution to the EMCCDA budget.

This agreement revises Article 5 of the Agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the EMCDDA. It sets out a new calculation formula that allows Norway's contribution to be adjusted automatically at each enlargement. Is also lays down a minimum amount for Norway's financial contribution that must be adhered to irrespective of the number of Member States of the Union.

The Parties will approve the agreement in accordance with their own procedures. It will enter into force when both Parties have notified each other that their respective procedures have been completed.

4. Conclusion of the agreements

4.1. Legal basis

Article 13 of Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction[1], as amended by Council Regulations (EC) Nos 3294/94[2], 2220/2000[3] and 1651/2003[4], allows non-Community countries to take part in the work of the EMCDDA.

An agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the EMCDDA was signed on 19 October 2000 and entered into force on 1 January 2001[5]. Article 5 of this agreement sets out the financial contribution from Norway to the work of the EMCDDA.

The European Commission has, on the basis of the Council negotiation directives, concluded the negotiations with Norway with a view to revising the amount of the financial contribution from Norway provided for in the agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the EMCDDA.

In order to proceed, the Commission is now proposing a Council Decision on the conclusion of the agreement with Norway revising this country's financial contribution to the EMCDDA's budget.

4.2. Financial implications

According to the concluded negotiations, Norway will pay a financial contribution to the EMCDDA's budget in accordance with the formula laid down in the agreement as from the beginning of the year in which the agreement enters into force. The EMCDDA's budget for that year will need to be adjusted accordingly.

5. RECOMMENDATION

Negotiations have been concluded and agreement reached with Norway regarding the revision of the amount of the financial contribution from Norway provided for in the agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction.

It is therefore possible for the Community to approve the conclusion of this agreement.

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1 OJ L 36, 12.2.1993, p. 1.
2 OJ L 341, 30.12.1994, p. 7.
3 OJ L 253, 7.10.2000, p. 1.
4 OJ L 245, 29.9.2003, p. 30.
5 OJ L 257, 11.10.2000, p. 23.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152 in conjunction with the first sentence of the first sub-paragraph of Article 300 (2) and the first paragraph of Article 300 (3) thereof,

Having regard to the proposal from the Commission[6],

Having regard to the opinion of the European Parliament[7],

Whereas:

(1) Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction[8], as amended by Regulation (EC) No 3294/94[9], Regulation (EC) No 2200/2000[10] and Regulation (EC) No 1651/2003[11], provides, in Article 13, that the Centre is to be open to the participation of non-Community countries which share the Community's interests and those of its Member States in the Centre's objectives and work.

(2) The agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the EMCDDA was signed on 19 October 2000 and entered into force on 1 January 2001[12]. Article 5 of this agreement provides for the financial contribution from Norway to the work of the EMCDDA.

(3) Norway has requested the revision of its financial contribution to the work of the EMCDDA, following the enlargement of the European Union.

(4) The Commission has negotiated on behalf of the Community an agreement with Norway on the revision of the amount of the financial contribution from Norway

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6 OJ C , , p. .
7 OJ C , , p. .
8 OJ L 36, 12.2.1993, p. 1.
9 OJ L 341, 30.12.1994, p. 7.
10 OJ L 253, 7.10.2000, p.1
11 OJ L 245, 29.09.2003, p.30
12 OJ L 257, 11.10.2000, p. 23.

provided for in the agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction.

(5) The Agreement initialled on 11 November 2004 should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and Norway on the revision of the amount of the financial contribution from Norway provided for in the agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to express the consent of the Community to be bound thereby.

Article 3

The President of the Council is hereby authorised to designate the person empowered to transmit the diplomatic note provided for in Article 3 of the Agreement.

Article 4

The Decision will be published in the *Official Journal of the European Union.*

Done at Brussels,

For the Council
The President

Agreement between the European Community and Norway

On the revision the amount of the financial contribution from Norway provided for in the agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)

The EUROPEAN COMMUNITY of the one part,

And NORWAY of the other part,

Recalling the Agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the EMCDDA which was signed on 19 October 2000 and entered into force on 1 January 2001[13], and its Article 5 which lays down Norway's financial contribution to the work of the EMCDDA;

Whereas Norway has requested the revision of its financial contribution to the work of the EMCDDA, in the view of European Union enlargement;

HAVE AGREED AS FOLLOWS:

Article 1

Article 5 of the Agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the EMCDDA shall be replaced by the following:

"Norway shall contribute financially to the activities of the Centre in accordance with the provisions laid down in the Annex to this agreement, which shall form an integral part thereof."

Article 2

The Annex to this agreement shall become the Annex to the Agreement between the European Community and the Kingdom of Norway on the participation of Norway in the work of the EMCDDA.

The formula set out in the Annex shall apply to the calculation of Norway's financial contribution to the EMCDDA's budget as from the beginning of the year in which this agreement enters into force.

Article 3

This Agreement shall enter into force on the first day of the second month following the date of receipt of the latter diplomatic note confirming that legal requirements of the respective Contracting Party concerning the entry into force of the Agreement have been fulfilled.

ANNEX

[13] OJ L 257, 11.10.2000, p. 23.

Norway's financial contribution

1. To take account of possible future enlargements of the European Union and avoid further adjustments, the formula for the calculation of Norway's contribution is as follows:

   Amount of the Community subsidy excluding Reitox financing/ [(Number of Member States of the European Union + 1) –10%].

2. The financial contribution from Norway must not be less than EUR 271 000 (2004 prices) irrespective of the number of Member States of the Union. This amount corresponds to the cost of enlargement per country as estimated by the EMCDDA in 2001[14]. That amount will be subject to a technical adjustment each year based on price trends and gross national income (GNI) in the European Union.

[14] EMCDDA document BUR/34/01 final.