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Committee on Civil Liberties, Justice and Home Affairs

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***I
DRAFT REPORT

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))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Frederika Brepoels

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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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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))

(Codecision procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0399)[1],

– having regard to Article 251(2) and Article 152, pursuant to which the Commission submitted the proposal to Parliament (C6-0256/2005),

– having regard to Rule 51 of its Rules of Procedure,

- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on the Environment, Public Health and Food Safety (A6-0000/2006),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;

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

Text proposed by the Commission	Amendments by Parliament

Amendment 1
Recital 7 a (new)

	(7a) It should be one of the Centre's tasks to provide information on best practices in the Member States and to facilitate the exchange of such practices between them.

Justification

It is 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 practises" in the Member States.

[1] Not yet published in OJ.

Amendment 2
Recital 9 a (new)

	(9a) The way in which the Centre is organised and its working methods should be consistent with the objective nature of the results sought, namely the comparability and compatibility of sources and methods in connection with drug information.

Justification

This amendment aims at reintroducing a recital which was deleted in the Commission proposal. In order to reach an objective comparison, the information collected by the Centre needs to be comparable and compatible.

Amendment 3
Article 2, point (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 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 as well as that emanating from Community, non-governmental national sources and competent international organizations***, including Europol***; ***providing information on best practices in the Member States and facilitating the exchange of such practices between them;*** this collection, registration***,*** analysis ***and information*** work shall also cover data on emerging trends in poly-drug use, including the combined use of licit and illicit psychoactive substances;

Justification

One of the tasks of the Agency should obviously consist in fostering the exchange of best practices.

Amendment 4
Article 5, paragraph 2, point (a)

(a) The national focal points shall form an interface between the participating countries and the Centre. They shall contribute to the establishment of key indicators and data, including guidelines for their implementation with a view to obtaining reliable and comparable information at European Union level. They shall collect and analyse at national level all relevant information on drugs and drug addiction, as well as on policies and solutions applied. In particular, they shall provide data for the five epidemiological indicators specified by the Centre.	(a) The national focal points shall form an interface between the participating countries and the Centre. They shall contribute to the establishment of key indicators and data, including guidelines for their implementation with a view to obtaining reliable and comparable information at European Union level. They shall collect and analyse at national level, ***in cooperation with experts and national organisations active in the field of drugs,*** all relevant information on drugs and drug addiction, as well as on policies and solutions applied. In particular, they shall provide data for the five epidemiological indicators specified by the Centre.

Justification

The focal points should take stock of the expertise of NGO's and the know-how of experts active in the field.

Amendment 5
Article 6, paragraphs 1 a and 1 b (new)

	1a. Data on drugs and drug addiction provided to or by the Centre may be published subject to compliance with Community and national rules on the dissemination and confidentiality of information. Personal data may not be published or made accessible to the public.
	1b. Member States and the specialised centres shall be under no obligation to provide information classified as confidential under their national law.

Justification

This amendment aims at reintroducing two paragraphs which were suppressed in the Commission's proposal, and at changing the order of the paragraphs.

Amendment 6
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. 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 ***3/4 majority***.

Justification

The majority required would be changed from 4/5 to 3/4 in order to facilitate the taking of decisions where the Commission disagrees with the draft work programmes.

Amendment 7
Article 10

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.***	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***, two other members of the Management Board representing the Member States and appointed by the Management Board*** and two Commission representatives. The Director shall take part in its meetings.
2. The Executive 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 decide on behalf of the Management Board on the matters foreseen in the EMCDDA financial regulation which are not reserved to the Management Board by this Regulation. ***It shall adopt its decisions simple majority.***	2. The Executive 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 decide on behalf of the Management Board on the matters foreseen in the EMCDDA financial regulation which are not reserved to the Management Board by this regulation. ***Decisions shall be adopted by consensus.***

Amendment 8
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 a proposal from the Commission for a five-year period, which ***proposal shall consist of a list of the best-ranked candidates, selected by the Commission after an open competition.*** On a proposal from the Commission and after evaluation, ***the Director's term of office*** may be extended once for a period of not more than five years.

Justification

The final selection should be operated by the Management Board.

Amendment 9
Article 12, title

Hearing of the Director before the European Parliament	Hearing of the Director ***and of the Chairperson of the Management Board*** before the European Parliament

Justification

The expertise and the insight of the Chairperson of the Management Board can be of great interest for the EP.

Amendment 10
Article 12

Each year the Director shall submit to the European Parliament the general report on the Centre's activities. The European Parliament may also ask for a hearing with the Director on any subject related to the Centre's activities.	Each year the Director shall submit to the European Parliament the general report on the Centre's activities. The European Parliament may also ask for a hearing with the Director ***and the Chairperson of the Management Board*** on any subject related to the Centre's activities.

Justification

The expertise and the experience of the Chairperson of the Management Board can be of great interest for the EP.

Amendment 11
Article 13, paragraph 2, subparagraph 1

2. ***The Management Board shall appoint one member per Member State to the Scientific Committee based on proposals by Member States of individuals selected on the basis of*** their ***experience and*** scientific excellence ***in the area of drugs and drug addiction, and taking into account the need for the Committee to be multidisciplinary in nature and to*** cover ***all*** scientific fields linked to the problems of drugs and drug addiction. ***Such fields include, but are not restricted to: Biomedical Research, Neuroscience, Criminology, Educational Science, Epidemiology, Economics, Forensic Science, Law, Policy Evaluation and Analysis, Political Science, Prevention Evaluation/Research, Psychiatry of Addiction, Psychology, Psychopharmacology, Public Health, Qualitative Research, Social work, Statistics, Sociology, Survey Research, Toxicology, and Treatment Evaluation/Research.***	2. ***The Scientific Committee shall consist of at most fifteen well-known scientists appointed in view of*** their scientific excellence ***and their independence by the Management Board, following the publication of a call for expression of interest in the Official Journal of the European Union. The selection procedure shall ensure that the specialist fields of the members of the Scientific Committee*** cover ***the most relevant*** scientific fields linked to the problems of drugs and drug addiction**.**

Justification

A scientific committee with one representative from each member state does not give evidence of good governance. A system with a limited number of experts, appointed after an open competition ensures the independent and efficient functioning of the committee.

Amendment 12
Article 13, paragraph 2, subparagraph 2 a (new)

	The Scientific Committee has to take into account the different positions of the national expertises, if available, before the finalisation of any decision.

Amendment 13
Article 13, paragraph 2, subparagraph 3

The Management board shall approve, from among those proposed by the Member States, a panel of experts from whom at most five may be chosen from time to time by the Director, acting on the advice of the Chairperson of the Scientific Committee, to serve on the extended Scientific Committee as set out in Article 6.2 of Council Decision 2005/387/JHA of 10 May 2005 on information exchange, risk assessment and control o new psychoactive substances.	***For the purpose of the implementation of*** Council Decision 2005/387/JHA of 10 May 2005 on information exchange, risk assessment and control of new psychoactive substances, ***the Scientific Committee of the EMCDDA will be extended to include experts from the Commission, Europol and the EMEA, and experts from scientific fields not represented, or not sufficiently represented, in the Scientific Committee of the EMCDDA.***

Amendment 14
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

We can refer to the justification concerning amendment 6

Amendment 15
Article 23, paragraph 2

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. In that context, the Commission shall, if appropriate, present a proposal for revision of the provisions of this Regulation in light of developments in respect of regulatory agencies, in accordance with the procedure laid down in article 251 of the Treaty. ***The European Parliament and the Council shall examine this proposal and in particular consider whether the composition of the Management Board needs to be revised in accordance with the general framework to be adopted for European regulatory agencies.***	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. In that context, the Commission shall, if appropriate, present a proposal for revision of the provisions of this Regulation in light of developments in respect of regulatory agencies, in accordance with the procedure laid down in article 251 of the Treaty.

Justification

There is no need to mention explicitly the composition of the Management Board in the context of a revision of the provisions of the Regulation.

Amendment 16
Annex I, section A, point 2

(2) monitoring the solutions applied to drug-related problems;	(2) monitoring the solutions applied to drug-related problems; ***providing information on best practices in the Member States and facilitating the exchange of such practices between them.***

Justification

One of the tasks of the Agency should obviously consist in fostering the exchange of best practices.

EXPLANATORY STATEMENT

The proposal for a revision of Council Regulation (EEC) No 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) already has a long history.

Legal aspects of this revision have been debated since the end of 2003, when the Commission submitted an initial proposal for a revision of Council Regulation (EEC) No 302/93. The legal basis chosen at that time was Article 308 of the Treaty. Accordingly, the European Parliament had to be consulted, and delivered an opinion in April 2004 (COD 2003/0311).

After discussions within the Horizontal Drugs Group - the relevant working group of the Council - it was decided to alter the legal basis of the proposal to Article 152 in the Health Chapter. The amendment of the legal basis also entails a change of procedure, as Article 152 requires codecision.

An opinion from the European Parliament's Legal Service indicated that problems might arise if any further work were to be done on the original proposal. The Commission therefore submitted a new proposal, involving the European Parliament under codecision. The present proposal for revision cancels and replaces the former Commission proposal, which the Commission has withdrawn as part of the 'better regulation' exercise.

The subject of the new Commission proposal is consolidation of three previous amendments to the establishing regulation, an increase in the role of the Centre and its adaptation to the new reality of Europe after enlargement.

In future, the Centre will accordingly devote more attention to new trends in drug use, such as the combination of licit and illicit psychoactive substances. The proposal is also designed to adapt the operation of the Centre's bodies in order to take account of enlargement and the everyday practice of the European Union.

The rapporteur's position

The rapporteur can largely endorse the proposal. In its latest form, it already takes account of a number of the European Parliament's ideas and suggestions as set out in the first report (COD 2003/0311). These include the representation of Parliament on the Centre's Management Board and attention for multiple drug use, such as combined use of licit and illicit psychoactive substances. A number of other proposals by Parliament have not been incorporated.

The rapporteur supports the call for more objective and comparable data. At present, not enough data are available from certain Member States, or they are hardly comparable, which hampers general monitoring of the European drugs situation. The rapporteur therefore proposes reinstating a provision from the old regulation as Recital 9a (new).

The rapporteur considers that, in order for information to be gathered efficiently, decision-making needs to be streamlined and to take place in a transparent organisational framework.

She therefore supports the inclusion in the EMCDDA Regulation of provisions concerning the Executive Committee, and likewise endorses the regular evaluation of the Centre's work and of the Reitox network and the six-yearly external evaluations: all these changes will promote the efficiency and operation of the Centre.

In order to make it possible for the Executive Committee to operate efficiently it seems appropriate, in addition to the chairman and vice-chairman, to appoint two representatives of the Council and two of the Commission, who must always take decisions by consensus.

The rapporteur feels that it is desirable that, in addition to the Director of the Centre, it should be possible for Parliament to hear the Chairperson of the Management Board.

The Management Board and the Director of the Centre are assisted by a Scientific Committee whose task is to deliver an opinion on any scientific matter concerning the Centre's activities. The rapporteur considers that the Member States are already sufficiently represented on the Management Board and takes the view, partly for that reason but more particularly because this body must be able to work independently, that the Scientific Committee should not have more than 15 members, who should be selected on the basis of their expertise, by means of an open procedure.

Only in the context of the Council Decision of 10 May 2005 on information exchange, risk assessment and control of new psychoactive substances may the Scientific Committee be enlarged to include experts from the Commission, Europol and the EMEA, as well as experts from scientific fields which are insufficiently represented, if at all. Limiting the number of members of the Committee seems to be the only correct way of facilitating efficient organisation and decision-making.

As the Centre's main task is to collect and disseminate information about drugs and drug use, providing information on best practices for tackling the drugs problem and facilitating exchanges of such practices would contribute to the policies of the Member States.

In addition, cooperation between national focal points and organisations active in the field of drugs could make it possible to keep abreast of the European drugs situation quickly and appropriately and enable Member States to respond more effectively to new developments and phenomena relating to drugs and drug use.